E/2003/30
E/CN.15/2003/14

United Nations

Commission on Crime Prevention and Criminal Justice

Report on the twelfth session (13-22 May 2003)

Economic and Social Council
Official Records, 2003
Supplement No. 10

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United Nations • New York, 2003

Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/2003/30
E/CN.15/2003/14
ISSN 0257-0653

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

Draft resolution I

Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking

The General Assembly,

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[1]

Taking note of guideline 8, "Special measures for the protection and support of child victims of trafficking", contained in the report of the United Nations High Commissioner for Human Rights,[2]

Recalling the Convention on the Rights of the Child,[3] and noting the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[4]

Recalling also International Labour Organization Convention 182 of 1999, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits forced or obligatory labour of all people under the age of eighteen,

Recalling further paragraphs 25 and 27 of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[5]

Recalling its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime[6] and in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[7]

Condemning trafficking in persons as an abhorrent form of modern-day slavery and as an act that is contrary to universal human rights,

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[1] General Assembly resolution 40/34, annex.
[2] E/2002/68/Add.1.
[3] General Assembly resolution 44/25, annex.
[4] General Assembly resolution 54/263, annex II.
[5] General Assembly resolution 55/59, annex.
[6] General Assembly resolution 55/25, annex I.
[7] General Assembly resolution 55/25, annex II.

Decrying the treatment of human beings as commodities bartered, bought or sold by traffickers, in particular exploiters,

Deeply concerned at the worldwide occurrence of trafficking in persons for the purpose of exploitation of all kinds by transnational organized criminal groups, many of which are also involved in other forms of illegal activity, including trafficking in firearms, money-laundering, drug trafficking and corruption,

Profoundly alarmed at the fact that trafficking in persons is a growing and profitable trade in most parts of the world and is aggravated by, inter alia, poverty, armed conflict, inadequate social and economic conditions and demand in the illicit labour and sex markets,

Expressing dismay at the ability of criminal networks to avoid punishment while preying on the vulnerabilities of their victims,

Noting the distinctions and interlinkages between the two criminal behaviours of trafficking in persons, as set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and of smuggling of migrants, as set forth in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[8]

Convinced of the urgent need for broad and concerted international cooperation among all Member States, employing a multidisciplinary, balanced and global approach, including adequate technical assistance, in order to prevent and combat trafficking in persons,

Convinced also that civil society, including non-governmental organizations, can play a role in reducing existing and future opportunities for victimization in the field of trafficking and in assisting Governments in promoting protection of victims through comprehensive and non-stigmatizing social and appropriate economic assistance to victims, including in the areas of health, education, housing and employment,

Welcoming efforts of Member States, in particular countries of origin, transit and destination, to create awareness among civil society concerning the seriousness of the crime of trafficking and of its various forms, as well as the role of the public in preventing victimization and assisting victims of trafficking,

Noting the thematic discussion on trafficking in human beings, especially women and children, held by the Commission on Crime Prevention and Criminal Justice at its twelfth session,

1. *Urges* Member States to employ a comprehensive approach to combating trafficking in persons, incorporating law enforcement efforts and, where appropriate, the confiscation and seizure of the proceeds of trafficking, protection of victims and preventive measures, including measures against activities that draw profit from the exploitation of victims of trafficking;

2. *Calls upon* Member States to collaborate with a view to preventing trafficking in persons, especially for the purpose of sexual exploitation, through:

[8] General Assembly resolution 55/25, annex III.

(a) Improved technical cooperation to strengthen local and national institutions aimed at preventing trafficking in persons, especially women and children, in countries of origin;

(b) Information campaigns on the techniques and methods of traffickers, programmes of education aimed at prospective targets, as well as vocational training in social skills and assistance in the re-integration of victims of trafficking into society;

(c) Focusing on post-conflict regions where patterns of human trafficking are emerging as a new phenomenon and incorporating anti-trafficking measures into early intervention;

3. *Recognizes* that broad international cooperation between Member States and relevant intergovernmental as well as non-governmental organizations is essential to counter effectively the threat of trafficking in persons;

4. *Urges* Member States to take measures to ratify or accede to the United Nations Convention against Transnational Organized Crime,[6] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[7] and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[4] and to implement those instruments by, inter alia:

(a) Criminalizing trafficking in persons;

(b) Promoting cooperation among law enforcement authorities in combating trafficking in persons;

(c) Establishing the offence of trafficking in persons as a predicate offence for money-laundering offences;

5. *Invites* Member States to adopt measures, in accordance with their domestic law and capacity, inter alia:

(a) To fight sexual exploitation with a view to abolishing it, by prosecuting and punishing those who engage in that activity;

(b) To raise awareness, especially through training, among criminal justice officials and others as appropriate of the needs of victims of trafficking and of the crucial role of victims in detecting and prosecuting this crime by, inter alia:

(i) Investigation of all cases reported by victims, prevention of further victimization and in general treatment of victims with respect;

(ii) Treatment of victims and witnesses with sensitivity throughout criminal judicial proceedings, in accordance with articles 24 and 25 of the United Nations Convention against Transnational Organized Crime and article 6, paragraph 2, of the Trafficking in Persons Protocol;

6. *Also invites* Member States to adopt measures, in accordance with their domestic law and capacity, inter alia:

(a) To provide assistance and protection to victims of trafficking in persons, including measures to permit victims of trafficking to remain in their territory temporarily or permanently, as appropriate;

(b) To promote the legislative and other measures necessary to establish a wide range of assistance, including legal, psychological, medical and social assistance and, if appropriate, compensation or restitution, to the actual victims of trafficking, subject to the determination of the existence of victimization;

(c) To provide humane treatment for all victims of trafficking, taking into account their age, gender and particular needs, in accordance with article 6, paragraphs 3 and 4, of the Trafficking in Persons Protocol;

(d) To assist in the re-integration of victims of trafficking into society;

7. *Further invites* Member States, as appropriate, to develop guidelines for the protection of victims of trafficking before, during and after criminal proceedings;

8. *Urges* Member States to ensure that measures taken against trafficking in persons, especially women and children, are consistent with internationally recognized principles of non-discrimination and that they respect the human rights and fundamental freedoms of victims;

9. *Invites* Member States to set up mechanisms for coordination and collaboration between governmental and non-governmental organizations with a view to responding to the immediate needs of victims of trafficking;

10. *Also invites* Member States to allocate appropriate resources for victim services, public awareness campaigns and law enforcement activities directed at eliminating trafficking and exploitation and to foster international cooperation, including adequate technical assistance and capacity-building programmes, to improve the ability of Member States to take effective measures against trafficking in persons;

11. *Encourages* Member States to examine the role of the exploitation of the prostitution of others in encouraging trafficking in persons;

12. *Also encourages* Member States to adopt legislative or other measures to reduce the demand that fosters all forms of trafficking in persons, including by cooperating with non-governmental organizations and civil society and by raising public awareness of how sexual and other forms of exploitation degrade their victims and of the related risks of trafficking in persons, especially women and children;

13. *Further encourages* Member States to take measures, including raising public awareness, to discourage, especially among men, the demand that fosters sexual exploitation, in accordance with article 9, paragraph 5, of the Trafficking in Persons Protocol;

14. *Encourages* Member States to target the link, where appropriate, between trafficking in persons for purposes of sexual and other forms of exploitation and further types of crime;

15. *Encourages* the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime of the Secretariat to continue its close cooperation and coordination with relevant international and regional organizations in this area;

16. *Encourages* Member States to make voluntary contributions to further strengthen and support the Centre and its Global Programme against Trafficking in Human Beings, in particular in the area of technical assistance activities;

17. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution II

International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

The General Assembly,

Recalling its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime,[9] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[10] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[11]

Recalling also its resolution 55/255 of 31 May 2001, by which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[12]

Recalling further its resolution 56/120 of 19 December 2001, on action against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the Convention and the Protocols thereto,

Reaffirming its deep concern at the impact of transnational organized crime on the political, social and economic stability and development of societies,

Reaffirming that the adoption of the Convention and the Protocols thereto is a significant development in international criminal law and that they constitute important instruments for effective international cooperation against transnational organized crime,

1. *Takes note with appreciation* of the report of the Secretary-General on ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[13]

2. *Welcomes* the imminent entry into force of the United Nations Convention against Transnational Organized Crime,[9] and notes the number of signatures and ratifications of the three Protocols to the Convention, which is likely

[9] General Assembly resolution 55/25, annex I.
[10] General Assembly resolution 55/25, annex II.
[11] General Assembly resolution 55/25, annex III.
[12] General Assembly resolution 55/255, annex.
[13] E/CN.15/2003/5.

to lead to the expected entry into force at an early date of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[10] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;[11]

3. *Commends* the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime of the Secretariat for its work in promoting the ratification of the Convention and the Protocols thereto, including, in particular, the preparation of legislative guides designed to facilitate the ratification and subsequent implementation of those instruments, and invites the Centre to finalize the legislative guides and to disseminate them as widely as possible;

4. *Welcomes* the organization by the Secretary-General, in cooperation with the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime and the Office of Legal Affairs of the Secretariat of the Treaty Event "Focus 2003: treaties against transnational organized crime and terrorism", to be held during its fifty-eighth session in accordance with its resolution 57/173 of 18 December 2002, urges Member States to participate fully in that event, and also urges Member States that have not yet done so to deposit their instruments of ratification, approval or accession to the Convention and the Protocols thereto, in order to ensure the widest possible participation in those instruments and thus to maximize their effectiveness;

5. *Also welcomes* the financial support provided by several donors to promote the entry into force and implementation of the Convention and the Protocols thereto, and encourages Member States to make sufficient voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, as well as contributions in direct support of activities and projects of the Centre, including through contributions to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments;

6. *Requests* the Centre for International Crime Prevention, in its capacity as secretariat of the Conference of the Parties to the Convention and its Protocols, to undertake all activities necessary to ensure the efficient preparation of the inaugural session of that Conference, in 2004;

7. *Also requests* the Centre, within existing regular or extrabudgetary resources, in preparing to provide services to the Conference of the Parties as mandated, to develop a guide containing elements that would be useful to States parties in meeting their reporting requirements to the Conference of the Parties and to undertake a study on the functioning of extradition and mutual legal assistance through existing mechanisms, including bilateral, regional and multilateral agreements or arrangements;

8. *Requests* the Secretary-General to continue to provide the Centre with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties in accordance with its mandate;

9. *Also requests* the Secretary-General to report on the implementation of the present resolution in his report on the work of the Centre to be submitted to the General Assembly at its fifty-ninth session.

Draft resolution III

Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the Centre for International Crime Prevention

The General Assembly,

Recalling its relevant resolutions relating to the prevention and suppression of terrorism, as well as Security Council resolutions 1373 (2001) of 28 September 2001, 1377 (2001) of 12 November 2001 and 1456 (2003) of 20 January 2003,

Recalling also its resolutions 56/1 of 12 September 2001, in which it strongly condemned the heinous acts of terrorism of 11 September 2001, and 57/27 of 19 November 2002, in which it also condemned those in Bali and Moscow, and urgently called for international cooperation to prevent and eradicate acts of terrorism, as well as Security Council resolution 1465 (2003) of 13 February 2003, in which the Council condemned the bombing attack in Bogota on 7 February 2003,

Recalling further its resolution 57/173 of 18 December 2002, in which it affirmed the importance of the role of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime of the Secretariat in the fulfilment of its mandate, including to prevent and combat terrorism, and in particular in strengthening international cooperation and providing technical assistance, upon request, which complements the work of the Counter-Terrorism Committee of the Security Council,

Recalling its resolution 57/292 of 20 December 2002, in section IV of which it approved the strengthening of the Terrorism Prevention Branch of the Secretariat, given that terrorism was one of the priorities of the medium-term plan for the period 2002-2005,

Mindful of its resolution 56/261 of 31 January 2002, on the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, which includes a plan of action against terrorism,

Supporting the ongoing efforts of the Executive Director of the United Nations Office on Drugs and Crime to enhance an integrated approach to combating terrorism, drug trafficking, transnational organized crime and other related forms of criminal activity,

Stressing the need for close coordination and cooperation between States, international, regional and subregional organizations and the Counter-Terrorism Committee, as well as the Centre for International Crime Prevention, in preventing and combating terrorism and criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations,

Convinced of the need, as asserted by the General Assembly and the Security Council in various resolutions, in particular Council resolution 1373 (2001), to

prevent and suppress acts of terrorism, and noting with deep concern the links between terrorism and transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials,

Expressing its appreciation to the Government of Austria and the Centre for International Crime Prevention for the organization of the symposium on the theme "Combating international terrorism: the contribution of the United Nations", held in Vienna on 3 and 4 June 2002, and taking note of the report of the Executive Director,[14]

Recalling that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that such measures are adopted in accordance with international law, in particular international human rights, refugee and humanitarian law, as appropriate,

Noting with appreciation that the Ad Hoc Committee established by the General Assembly in its resolution 51/120 of 17 December 1996 is continuing the preparation of a draft comprehensive convention on international terrorism and of a draft international convention on the suppression of acts of nuclear terrorism,

1. *Encourages* the activities of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime of the Secretariat within its mandates in the area of preventing terrorism by providing Member States, upon request, with technical assistance, specifically to implement the universal conventions and protocols related to terrorism, thereby strengthening international cooperation in preventing and combating terrorism, working in close coordination with the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) and the Office of Legal Affairs of the Secretariat, as well as with international, regional and subregional organizations;

2. *Welcomes* the establishment of the Global Programme against Terrorism, launched by the Centre for International Crime Prevention, which provides the appropriate framework for activities supporting Member States in their fight against terrorism, in particular through the implementation of the universal conventions and protocols related to terrorism;

3. *Calls upon* Member States that have not yet done so to become parties to and implement the universal conventions and protocols related to terrorism and, where appropriate, to request assistance to that end from the Centre for International Crime Prevention;

4. *Notes* the preparation of a United Nations legislative guide to the universal conventions and protocols related to terrorism, which was reviewed by an expert group hosted by the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy, from 3 to 5 December 2002, and invites States that have not yet ratified or acceded to the universal conventions and protocols related to terrorism to make use of the legislative guide in their efforts to incorporate the provisions of those instruments into their national legislation;

5. *Urges* Member States to continue working together, also on a regional and bilateral basis and in close cooperation with the United Nations, to prevent and

[14] See A/57/152 and Corr.1, A/57/152/Add.1 and Corr.1 and 2 and A/57/152/Add.2.

combat acts of terrorism by strengthening international cooperation and technical assistance within the framework of Security Council resolutions 1373 (2001), 1377 (2001) and 1456 (2003) and other relevant international instruments and in accordance with the Charter of the United Nations and international law;

6. *Requests* the Centre for International Crime Prevention, subject to the availability of regular or extrabudgetary resources, to prepare guidelines on technical assistance according to which the Centre, acting in areas within its competence and in coordination with the Counter-Terrorism Committee, will provide assistance, related to promoting the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism and to identify concrete elements of such assistance with a view to facilitating cooperation among Member States in combating terrorism, and to submit those guidelines to Member States for their consideration;

7. *Also requests* the Centre, subject to the availability of extrabudgetary funds, to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism through the implementation of the universal conventions and protocols related to terrorism, with particular emphasis on the need to coordinate its work with the Counter-Terrorism Committee and international, regional and subregional organizations;

8. *Expresses its appreciation* to donor countries that, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through direct contributions to the United Nations Crime Prevention and Criminal Justice Programme network, have supported the launching of the Global Programme against Terrorism, and invites all States to make adequate voluntary contributions to the Fund in order to strengthen the capacity of the Centre to provide technical assistance to requesting Member States, in particular for promoting the ratification of, accession to and implementation of the universal conventions and protocols related to terrorism;

9. *Recommends* that the Commission on Crime Prevention and Criminal Justice, in coordination with other United Nations entities, in particular the Counter-Terrorism Committee, keep under regular review the progress made by Member States in becoming parties to and implementing the universal conventions and protocols related to terrorism and the needs of Member States requesting technical assistance;

10. *Requests* the Secretary-General to organize a senior-level discussion during the thirteenth session of the Commission on Crime Prevention and Criminal Justice on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism, and invites the Counter-Terrorism Committee and relevant international organizations to participate in that discussion;

11. *Invites* Member States to provide the Secretary-General with information on the nature of links between terrorism and other forms of crime in order to increase synergies in the delivery of technical assistance by the Centre for International Crime Prevention, and requests the Secretary-General to include an analysis of such information in his report on the implementation of the present resolution;

12. *Requests* the Secretary-General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

Draft resolution IV

Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Recalling its resolutions 56/119 of 19 December 2001, on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, and 57/171 of 18 December 2002, on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,

Considering that, pursuant to its resolutions 415 (V) of 1 December 1950 and 46/152 of 18 December 1991, the Eleventh Congress is to be held in 2005,

Bearing in mind the guidelines for and the new format of the United Nations congresses, as stipulated in paragraph 2 of resolution 56/119, as well as paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to resolution 46/152,

Recalling that, in its resolution 57/171, it requested the Commission on Crime Prevention and Criminal Justice, at its twelfth session, to finalize the programme for the Eleventh Congress and to make its final recommendations, through the Economic and Social Council, to the General Assembly,

Recognizing the significant contributions of the United Nations congresses in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental organizations and individual experts representing various professions and disciplines,

Recalling that, in its resolution 57/171, it had decided that the main theme of the Eleventh Congress should be "Synergies and responses: strategic alliances in crime prevention and criminal justice",

Recalling also its resolution 57/170 of 18 December 2002, on follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,

Stressing the importance of undertaking all the preparatory activities for the Eleventh Congress in a timely and concerted manner,

Having considered the report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice,[15]

1. *Notes* the progress made thus far in the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;

[15] E/CN.15/2003/11 and Corr.1 and Add.1 and 2.

2. *Decides* to hold the Eleventh Congress from 18 to 25 April 2005, with pre-congress consultations to be held on 18 April 2005;

3. *Decides also* that the high-level segment of the Eleventh Congress shall be held during the last three days of the Congress in order to allow heads of State or Government or government ministers to focus on the main substantive agenda items of the Congress;

4. *Approves* the following provisional agenda for the Eleventh Congress, finalized by the Commission on Crime Prevention and Criminal Justice at its twelfth session:

1. Opening of the Congress.
2. Organizational matters.
3. Effective measures to combat transnational organized crime.
4. International cooperation against terrorism and links between terrorism and other criminal activities in the context of the work of the United Nations Office on Drugs and Crime.
5. Corruption: threats and trends in the twenty-first century.
6. Economic and financial crimes: challenges to sustainable development.
7. Making standards work: fifty years of standard-setting in crime prevention and criminal justice.
8. Adoption of the report of the Congress.

5. *Decides* that the following issues shall be considered by workshops within the framework of the Eleventh Congress:

(a) Enhancing international law enforcement cooperation, including extradition measures;

(b) Enhancing criminal justice reform, including restorative justice;

(c) Strategies and best practices for crime prevention, in particular in relation to urban crime and youth at risk;

(d) Measures to combat terrorism, with reference to the relevant international conventions and protocols;

(e) Measures to combat economic crime, including money-laundering;

(f) Measures to combat computer-related crime;

6. *Reiterates its request* to the Secretary-General to prepare, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, a discussion guide for the regional preparatory meetings for the Eleventh Congress;

7. *Urges* the regional preparatory meetings to examine the substantive items on the agenda and the workshop topics of the Eleventh Congress and to make action-oriented recommendations to serve as a basis for the draft recommendations

and conclusions for consideration by the Eleventh Congress and the Commission on Crime Prevention and Criminal Justice at its fourteenth session;

8. *Emphasizes* the importance of the workshops, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime of the Secretariat and to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

9. *Requests* the Secretary-General to include in the discussion guide for the workshops requested in paragraph 6 above consideration of technical cooperation ideas, projects and documents related to enhancing bilateral and multilateral efforts in technical assistance activities in crime prevention and criminal justice;

10. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the workshops;

11. *Approves* the plan for documentation for the Eleventh Congress, as proposed by the Secretary-General in his report on preparations for the Congress,[16] taking into account the recommendations of the Commission on Crime Prevention and Criminal Justice related thereto;

12. *Invites* Governments and relevant intergovernmental and non-governmental organizations to inform the Eleventh Congress about their activities with a view to the implementation of the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, which are contained in the annex to resolution 56/261, as guidance for the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels;

13. *Reiterates its request* to the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Eleventh Congress and at the Congress itself, in accordance with past practice;

14. *Encourages* Governments to undertake preparations for the Eleventh Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization of and follow-up to the workshops;

15. *Requests* the Secretary-General to provide resources, as required, in accordance with established United Nations budgetary practice and within the overall appropriations of the programme budget for the biennium 2004-2005, in order to ensure a wide and effective programme of public information relating to the preparations for the Eleventh Congress, to the Congress itself and to the follow-up to and implementation of its recommendations;

16. *Reiterates its invitation* to Member States to be represented at the Eleventh Congress at the highest possible level, for example, by heads of State or

[16] E/CN.15/2003/11 and Corr.1 and Add.1 and 2, para. 64.

Government or government ministers and attorneys general, to make statements on the theme and topics of the Congress and to participate in thematic interactive round tables;

17. *Requests* the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Eleventh Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Eleventh Congress;

18. *Again encourages* the relevant specialized agencies, United Nations programmes and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the Centre for International Crime Prevention in the preparations for the Eleventh Congress;

19. *Requests* the Secretary-General to appoint a Secretary-General and an Executive Secretary of the Eleventh Congress, in accordance with past practice, to perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

20. *Requests* the Commission on Crime Prevention and Criminal Justice to accord sufficient time at its thirteenth session to reviewing the progress made in the preparations for the Congress, to finalize in good time all the necessary organizational and substantive arrangements and to make its recommendations, through the Economic and Social Council, to the General Assembly;

21. *Requests* the Secretary-General to ensure the proper follow-up to the present resolution and to report thereon to the General Assembly through the Commission on Crime Prevention and Criminal Justice at its thirteenth session.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

Draft resolution I

Work of the Centre for International Crime Prevention, including the management of the United Nations Crime Prevention and Criminal Justice Fund

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991, in which the Assembly approved the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme,

Recalling also General Assembly resolutions 56/123 of 19 December 2001 and 57/173 of 18 December 2002 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Welcoming the increase in voluntary contributions made by donors to the United Nations Crime Prevention and Criminal Justice Fund, which enables the Centre for International Crime Prevention of the United Nations Office on Drugs

and Crime of the Secretariat to execute a larger number of technical assistance projects,

Welcoming also other contributions made by donors in direct support of activities and projects of the Centre, including through contributions made to institutes of the United Nations Crime Prevention and Criminal Justice Programme network,

Recognizing the importance of transparency and close communication between the Centre and Member States in order to raise the confidence of Member States in its work,

1. *Takes note with appreciation* of the report of the Executive Director of the United Nations Office on Drugs and Crime on the work of the Centre for International Crime Prevention;[17]

2. *Invites* Member States to make appropriate voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund in order to strengthen the capacity of the Centre to provide technical assistance to requesting States;

3. *Encourages* Member States to continue to make contributions in direct support of activities and projects of the Centre, including through contributions to institutes of the United Nations Crime Prevention and Criminal Justice Programme network;

4. *Welcomes* the efforts being made by the United Nations Office on Drugs and Crime to ensure transparency in its work, as well as to maintain a continuous dialogue with Member States, including through appropriate informative documentation, with a view to enhancing its accountability to Member States and to improve the synergy between the activities of the Centre and those of the United Nations International Drug Control Programme;

5. *Encourages* the Centre for International Crime Prevention to provide Member States with more information on a regular basis on funding requirements for projects in order to increase voluntary contributions;

6. *Encourages* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary financial resources, to extend the Programme and Financial Information Management System to the activities funded by the United Nations Crime Prevention and Criminal Justice Fund, so that Member States are provided with up-to-date online financial information on those activities;

7. *Stresses* the importance of monitoring and evaluation of projects financed by the United Nations Crime Prevention and Criminal Justice Fund, and welcomes in that respect the recent decision to establish an independent evaluation function in the United Nations Office on Drugs and Crime;

8. *Welcomes* the recent delegation of authority from the Secretary-General of the United Nations to the Director-General of the United Nations Office at Vienna for the management of the United Nations Crime Prevention and Criminal Justice Fund, which should increase the efficiency of the Centre for International Crime Prevention in managing its financial resources and enhance its reporting to

[17] E/CN.15/2003/2.

the Commission on Crime Prevention and Criminal Justice on the financial status of the Fund;

9. *Encourages* the Executive Director of the United Nations Office on Drugs and Crime to use the experience of the Fund-Raising Unit of the United Nations International Drug Control Programme in areas such as broadening the donor base, cost-sharing, private sector funding and other innovative means to increase the resources of the Centre for International Crime Prevention;

10. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to include in his annual report to the Commission on Crime Prevention and Criminal Justice information on the financial status of the United Nations Crime Prevention and Criminal Justice Fund and the results of the evaluation of projects financed by the Fund;

11. *Also requests* the Executive Director of the United Nations Office on Drugs and Crime to provide Member States with relevant information on the United Nations Crime Prevention and Criminal Justice Fund when required.

Draft resolution II

International cooperation, technical assistance and advisory services in crime prevention and criminal justice

The Economic and Social Council,

Recalling the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[18] and endorsed by the General Assembly in its resolution 55/59 of 4 December 2000,

Recalling also General Assembly resolution 57/173 of 18 December 2002 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Recalling further its resolutions 1998/24 of 28 July 1998, on technical cooperation and advisory services in crime prevention and criminal justice, and 2002/19 of 24 July 2002, on strengthening international cooperation and technical assistance within the framework of the activities of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime in preventing and combating terrorism,

Emphasizing the importance of enhancing international cooperation and coordination among Member States in the fields of crime prevention and criminal justice to the achievement of the objectives of the United Nations, including sustainable development, improved quality of life, democracy and human rights,

Noting the increasing number of requests for technical assistance received by the Centre for International Crime Prevention from least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

[18] See *Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10-17 April 2000: report prepared by the Secretariat* (United Nations publication, Sales No. E.00.IV.8).

Expressing its appreciation for funding provided by Member States in 2002, which has permitted the Centre to enhance its capacity to conduct an increasing number of technical assistance activities,

1. *Takes note with appreciation* of the reports of the Executive Director of the Office on Drugs and Crime on the work of the Centre for International Crime Prevention,[19] in particular its technical cooperation activities, and on ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[20] and the report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism;[21]

2. *Commends* the Centre for assisting Member States in the improvement of their criminal justice systems by responding to an increasing number of requests for technical assistance in the implementation of projects;

3. *Recognizes* the expansion of technical assistance activities of the Centre and encourages international, regional and national funding agencies, as well as international financial institutions, to support the technical cooperation activities and interregional advisory services of the Centre;

4. *Urges* relevant entities of the United Nations system, including the United Nations Development Programme, the World Bank and the International Monetary Fund, as well as other international and regional organizations, to increase their interaction with the Centre in order to ensure that, as appropriate, activities in the fields of crime prevention and criminal justice, including activities to combat terrorism and corruption, are considered in their country and regional programmes and development frameworks, to ensure the full utilization of the expertise of the Centre in activities related to crime prevention and criminal justice and to promotion of the rule of law and to avoid duplication of effort;

5. *Expresses its appreciation* to Member States for supporting the technical assistance activities of the Centre by providing financial or in-kind contributions to the United Nations Crime Prevention and Criminal Justice Programme;

6. *Expresses the need* to have adequate resources available in order to make progress in the further operationalization of the activities of the Centre and in order to implement the projects carried out under its global programmes against trafficking in human beings, terrorism, corruption and organized crime;

7. *Urges* Member States to make or increase, as appropriate, voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, as well as to make or increase, as appropriate, contributions in direct support of activities and projects of the Centre, including through contributions to institutes of the United Nations Crime Prevention and Criminal Justice Programme network, in order to strengthen further the capacity of the Centre to provide technical assistance;

8. *Encourages* Member States, in particular, developing countries and countries with economies in transition, that are beneficiaries of technical assistance provided by the Centre and are in a position to do so to contribute to the activities of

[19] E/CN.15/2003/2.
[20] E/CN.15/2003/5.
[21] E/CN.15/2003/9.

the Centre through such means as the provision of necessary infrastructure or human resources or by allotting national funds to projects implemented in partnership with the Centre;

9. *Encourages* developing countries and countries with economies in transition to include in their requests for assistance from the United Nations Development Programme, in particular within its country programme framework, projects and/or elements on crime prevention and criminal justice;

10. *Requests* the Secretary-General to enhance further the resources available within the existing overall budgetary framework of the United Nations for the operational activities and, in particular, the interregional advisory services of the Centre for International Crime Prevention under section 23, Regular programme of technical cooperation, of the regular budget of the United Nations;

11. *Also requests* the Secretary-General to make all possible efforts, including appeals to donors in the private sector, mobilization of resources and fund-raising, to increase extrabudgetary resources, including general-purpose funds, bearing in mind the need to safeguard the independence and international character of the Centre.

Draft resolution III

Prevention of urban crime

The Economic and Social Council,

Recalling General Assembly resolutions 55/59 of 4 December 2000, in which the Assembly endorsed the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 56/261 of 31 January 2002, in which the Assembly took note with appreciation of the plans of action for the implementation of the Vienna Declaration, annexed to resolution 56/261, including the plan of action on crime prevention,[22] and 57/170 of 18 December 2002, in which the Assembly again invited Governments to use the plans of action as a guide in their efforts to formulate legislation, policies and programmes in the field of crime prevention and criminal justice,

Recalling also its resolution 1995/9 of 24 July 1995, in which it adopted guidelines for cooperation and technical assistance in the field of urban crime prevention,

Recalling further its resolution 2002/13 of 24 July 2002, on action to promote effective crime prevention, in which it accepted the Guidelines for the Prevention of Crime, annexed to the resolution,

Concerned at the continuing rise in urban crime of an increasingly serious nature in many parts of the world,

Mindful of the clear linkages between urban crime and drug trafficking, organized crime and the illegal possession and use of firearms,

[22] General Assembly resolution 56/261, annex, sect. VIII.

Recognizing that in many countries criminal activities have become a major threat to public safety in large urban areas,

Expressing particular concern for children at risk in large urban areas,

Recognizing that urban criminality in specific situations hampers economic growth and weakens state institutions, thereby undermining efforts to promote sustainable development and reduce poverty,

Recognizing also the need for a balanced, integrated approach to fighting urban crime, including activities addressing such root causes as poverty, social marginalization and exclusion and lack of opportunities for young people,

Recognizing further that crime prevention strategies and actions should be based on a broad, gender-sensitive, multidisciplinary foundation of knowledge about proven and promising practices,

Reiterating the need for more regional and international collaboration in the fight against urban crime,

1. *Encourages* Member States to draw upon the Guidelines for the Prevention of Crime, annexed to Economic and Social Council resolution 2002/13, when developing, implementing and evaluating urban crime prevention programmes and projects, and to share their experience gained in that regard, including in their inputs to the report of the Secretary-General requested in that resolution;

2. *Also encourages* Member States to establish effective policies and to pursue the implementation of such policies, where appropriate, to protect children at risk in urban areas;

3. *Requests* the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, in consultation with Member States, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, the United Nations Human Settlements Programme and other relevant entities of the United Nations system, to continue to assist Member States, upon request, to prepare proposals for the provision of technical assistance in the area of crime prevention, in accordance with the Guidelines for the Prevention of Crime, including through capacity-building and training;

4. *Also requests* the Centre for International Crime Prevention, subject to the availability of extrabudgetary resources and with the assistance of Governments, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and relevant United Nations entities, to compile an overview of proven and promising practices in the area of urban crime prevention, including in criminal justice, to develop a practical manual on the use and application of the Guidelines for the Prevention of Crime and to convene for that purpose an expert group meeting, with participants to be selected on the basis of equitable geographical representation;

5. *Again calls upon* all relevant United Nations organizations and bodies and international financial institutions to give appropriate consideration to the inclusion of urban crime prevention and law enforcement projects in their assistance programmes;

6. *Recommends* that in the programme of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice due attention be given to the issue of urban crime;

7. *Welcomes* the inclusion of urban crime and youth at risk as one of the issues for the workshops to be held at the Eleventh Congress, which would permit an in-depth discussion of the subject at the regional preparatory meetings for the Congress.

Draft resolution IV

Illicit trafficking in protected species of wild flora and fauna

The Economic and Social Council,

Aware that the conservation of wild flora and fauna is essential for the maintenance of biological diversity, preservation of the environment and sustainable development,

Recalling the Convention on International Trade in Endangered Species of Wild Fauna and Flora,[23] and the Convention on Biological Diversity[24] and action taken to implement those conventions,

Aware of the existence of organized criminal groups operating transnationally that specialize in trafficking in protected species of wild flora and fauna, and concerned at the adverse environmental, economic and social repercussions of their activities,

Convinced that international cooperation and mutual legal assistance are both essential to prevent, combat and eradicate trafficking in protected species of wild flora and fauna,

Recalling its resolution 2001/12 of 24 July 2001, in which it urged States to adopt the legislative or other measures necessary for establishing trafficking in protected species of wild flora and fauna as a criminal offence in their domestic legislation,

Recalling also its resolution 2002/18 of 24 July 2002, in which it urged all Member States to cooperate with the Secretary-General and other competent entities of the United Nations system so that the report of the Secretary-General on progress made in the implementation of its resolution 2001/12 might be finalized,

Taking note of the replies received from Member States concerning their national legislation and practical experience in the area of trafficking in protected species of wild flora and fauna contained in the report of the Secretary-General,[25]

1. *Welcomes with satisfaction* the report of the Secretary-General on trafficking in protected species of wild flora and fauna and illicit access to genetic resources;[25]

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[23] United Nations, *Treaty Series*, vol. 993, No. 14537.

[24] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

[25] E/CN.15/2003/8 and Corr.1 and Add.1.

2. *Urges* all Member States to cooperate, as appropriate, with the Secretary-General and competent entities of the United Nations system, in particular the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora[23] and the secretariat of the Convention on Biological Diversity,[24] with a view to preventing, combating and eradicating trafficking in protected species of wild flora and fauna;

3. *Urges* Member States to adopt preventive measures, where necessary, as well as to review their criminal legislation with a view to ensuring that offences relating to trafficking in protected species of wild flora and fauna are punishable by appropriate penalties that take into account the serious nature of those offences;

4. *Encourages* Member States to undertake awareness-raising activities to improve understanding of the serious impact of trafficking in protected species of wild flora and fauna;

5. *Calls upon* Member States to promote international cooperation as well as the conclusion of mutual legal assistance agreements, as appropriate, with a view to preventing, combating and eradicating trafficking in protected species of wild flora and fauna;

6. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution V

International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

The Economic and Social Council,

Concerned at the practice of kidnapping in various countries of the world and at the harmful effects of that crime on victims and their families, and resolved to support measures to assist and protect them and to promote their recovery,

Reiterating that the kidnapping of persons under any circumstances and for any purpose constitutes a serious crime and a violation of individual freedom and undermines human rights,

Noting the transnational nature of organized crime and the tendency of organized criminal groups and terrorist groups to expand their illegal operations,

Concerned at the growing tendency of organized criminal groups and terrorist groups to resort to kidnapping, especially for the purpose of extortion, as a method of accumulating capital with a view to consolidating their criminal operations and undertaking other illegal activities, such as trafficking in firearms, drugs and persons, money-laundering and crimes related to terrorism,

Convinced that the links between various illegal activities, including terrorism, and organized crime pose an additional threat to security and the quality of life, hindering economic and social development,

Convinced also that the United Nations Convention against Transnational Organized Crime[26] provides the legal framework necessary for international cooperation in the fight against kidnapping,

Recalling its resolution 2002/16 of 24 July 2002, entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims", in which it requested the Secretary-General, in coordination with competent entities of the United Nations system, to submit a progress report to the Commission on Crime Prevention and Criminal Justice at its twelfth session on the factual and legal situation of kidnapping throughout the world, including the situation of victims,

1. *Vigorously condemns and rejects once again* the practice of kidnapping, in any circumstances and for any purpose, including kidnapping by organized criminal groups and terrorist groups;

2. *Stresses* that organized criminal groups and terrorist groups as well as all perpetrators are responsible for any harm or death that results from a kidnapping committed by them and should be punished accordingly;

3. *Takes note with appreciation* of the progress report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims,[27] submitted pursuant to its resolution 2002/16;

4. *Urges* Member States that have taken new measures in the context of the present resolution to cooperate with the Secretary-General and competent entities of the United Nations system, in particular the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, inter alia, by submitting comments on the progress report of the Secretary-General and by providing information on national legislation and on practical measures and experience at the domestic level in that connection;

5. *Invites* Member States that have not yet done so to provide to the Secretary-General information on the practice of kidnapping and on relevant domestic measures that have been adopted, including any related to support and assistance to the victims and their families;

6. *Also invites* Member States that have not yet done so to adopt the legislative or other measures necessary to establish kidnapping as a serious crime in their domestic legislation, in accordance with the definition of "serious crime" in the United Nations Convention against Transnational Organized Crime;[26]

7. *Encourages* Member States to continue to foster international cooperation, especially extradition, mutual legal assistance, collaboration between law enforcement authorities and information exchange, with a view to preventing, combating and eradicating kidnapping;

8. *Calls upon* Member States that have not yet done so, in furtherance of the fight against kidnapping, to strengthen their measures against money-laundering and to engage in international cooperation and mutual assistance, inter alia, in the

[26] General Assembly resolution 55/25, annex I.
[27] E/CN.15/2003/7 and Add.1.

tracing, detection, freezing and confiscation of proceeds of kidnapping in order to combat organized criminal groups and terrorist groups;

9. *Requests* the Secretary-General, drawing on extrabudgetary funds or voluntary contributions, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping, including establishing, as appropriate, special law enforcement and prosecution units and mechanisms for cooperation with civil society and international cooperation;

10. *Also requests* the Secretary-General to complete his report on the implementation of Economic and Social Council resolution 2002/16, including in it information on the practice of kidnapping and on relevant domestic measures that have been taken, including those related to support and assistance to the victims and their families, and to submit it to the Commission on Crime Prevention and Criminal Justice at its thirteenth session.

Draft resolution VI

Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property

The Economic and Social Council,

Aware of the serious harm done to States and to the objects themselves by the theft and illicit export of objects regarded as part of States' cultural heritage, in particular as a result of the plundering of archaeological sites and of other sites of historical and cultural value,

Recognizing the importance for States of protecting and preserving their cultural heritage in accordance with the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[28] the preamble to which refers, inter alia, to the duty of every State to protect the cultural property existing within its territory against the dangers of theft, clandestine excavation and illicit export, and also the commitment by States and relevant international organizations to combat such practices with all the means at their disposal, in particular with regard to international cooperation on the return of such property,

Wishing to promote mutual cooperation in preventing illegal acts against the historical and cultural legacy of peoples,

Aware of the urgent need to establish standards for the restitution and return of movable property forming part of the cultural heritage of peoples after it has been stolen or illicitly exported, and for its protection and preservation,

Recognizing that one of the main objectives of the United Nations in the field of crime prevention and criminal justice is the promotion and strengthening of international cooperation in the fight against transnational organized crime,

Recalling General Assembly resolution 45/121 of 14 December 1990 on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana from 27 August to 7 September 1990,

[28] United Nations, *Treaty Series*, vol. 823, No. 11806.

Recalling also the Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property, adopted by the Eighth Congress,[29]

Welcoming the organization by the Andean Community of Nations and the Government of France of a regional workshop on theft and illicit trafficking of cultural property, held in Lima from 14 to 16 May 2003,

1. *Encourages* Member States to consider, where appropriate and in accordance with national law, when concluding relevant agreements with other States, the Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana from 27 August to 7 September 1990;[29]

2. *Calls upon* all Member States to continue to strengthen international cooperation and mutual assistance in the prevention and prosecution of crimes against movable property that forms part of the cultural heritage of peoples;

3. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its thirteenth session on the implementation of the present resolution.

Draft resolution VII

United Nations standards and norms in crime prevention and criminal justice

The Economic and Social Council,

Recalling its resolution 2002/15 of 24 July 2002, on United Nations standards and norms in crime prevention and criminal justice, in which it reaffirmed the importance of United Nations standards and norms in crime prevention and criminal justice, including in the framework of peacekeeping and post-conflict reconstruction, and requested the Secretary-General to convene a meeting of a group of experts, subject to the availability of extrabudgetary funds, to make concrete proposals on the application of United Nations standards and norms to be considered by the Commission on Crime Prevention and Criminal Justice at its twelfth session,

Recalling also its resolution 2002/17 of 24 July 2002, on international cooperation, technical assistance and advisory services in crime prevention and criminal justice, in which it invited potential donors to make significant and regular contributions, and requested the Secretary-General to enhance further the resources available for operational activities and interregional advisory services,

Recalling further its resolution 1993/34 of 27 July 1993, in particular section III, paragraph 7 (c), in which it requested the Secretary-General to commence without delay a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources,

[29] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B, para. 2.

Welcoming the ongoing collaboration between the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights in the areas of juvenile justice, human rights education, professional education for judges and lawyers, technical cooperation, counter-terrorism and human rights, trafficking in persons, the rights of victims, the independence of the judiciary and post-conflict reconstruction,

Desirous of reforming and streamlining the current process of information-gathering with respect to the application of United Nations standards and norms in crime prevention and criminal justice in order to make the process more efficient and cost-effective for all those concerned,

Aware of the resources past surveys have required from Member States and acknowledging the workload of the Centre for International Crime Prevention and Member States in relation to the present priorities set by the Commission on Crime Prevention and Criminal Justice,

1. *Takes note* with appreciation of the report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice;[30]

2. *Expresses its appreciation* for the work undertaken by the Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Stadtschlaining, Austria, from 10 to 12 February 2003, takes note of the recommendations of the Meeting of Experts contained in the annex to the present resolution, and expresses its appreciation to the Governments of Austria, Canada and Germany for their financial support in the organization of the Meeting;

3. *Decides* to group United Nations standards and norms in crime prevention and criminal justice in the following categories for the purpose of targeted collection of information, in order to better identify the specific needs of Member States and to provide an analytical framework with a view to improving technical cooperation:

(a) Standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice;

(b) Standards and norms related primarily to legal, institutional and practical arrangements for international cooperation;

(c) Standards and norms related primarily to crime prevention and victim issues;

(d) Standards and norms related primarily to good governance, the independence of the judiciary and the integrity of criminal justice personnel;

4. *Calls upon* Member States, intergovernmental and non-governmental organizations, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and United Nations entities, in responding to targeted inquiries on the application of United Nations standards and norms in crime prevention and criminal justice, to focus on identifying difficulties that have been encountered in their application, ways in which technical assistance to requesting

[30] E/CN.15/2003/10 and Add.1 and 2.

States can overcome those difficulties and desirable practices in the prevention and control of crime;

5. *Requests* the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, in collaboration with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network:

(a) To provide support to Member States, requesting assistance with specific issues in the use and application of United Nations standards and norms in crime prevention and criminal justice, including by developing resource materials and organizing training courses and workshops;

(b) To collaborate with other United Nations entities, intergovernmental and non-governmental organizations and national institutions to promote the widest possible dissemination of United Nations standards and norms in crime prevention and criminal justice and to identify experts in that field who may be available to assist requesting Member States;

(c) To provide advisory services in relation to United Nations standards and norms in crime prevention and criminal justice;

6. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary funds, an intergovernmental expert group meeting on the basis of adequate and equitable geographical representation to prepare proposals to be considered by the Commission on Crime Prevention and Criminal Justice at its thirteenth session in relation to:

(a) The design of information-gathering instruments that are short, simple, complete and understandable in relation to select groups of standards and norms referred to in paragraph 3 above and that are aimed at identifying and addressing specific problems in Member States requesting assistance and at providing an analytical framework with a view to improving technical cooperation;

(b) New ways and means for maximizing the effectiveness of technical assistance to Member States in specific areas of crime prevention and criminal justice, including in the context of the reconstruction of criminal justice institutions in peacekeeping and post-conflict situations, in particular as regards capacity-building and the promotion of the rule of law;

7. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fifteenth session on progress made in the first targeted collection of information on the group of standards and norms referred to in paragraph 3 (a) and (b) above, including how that collection of information relates to requests by Member States for technical assistance.

Annex

Recommendations of the Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice

Recommendations to the Commission on Crime Prevention and Criminal Justice

1. The application and formulation of United Nations standards and norms in crime prevention and criminal justice should continue to be accorded high priority by the Commission on Crime Prevention and Criminal Justice. The standing agenda

item on those standards and norms should be maintained and appropriate time and resources should be devoted to it.

2. Possible future United Nations standards and norms in crime prevention and criminal justice should focus on emerging practices in crime prevention or criminal justice, in order to facilitate the development of detailed practical guidelines for use by interested States in carrying out specific tasks.

3. The Commission should establish a mechanism, such as a group of experts and/or a special rapporteur, to supplement existing procedures for undertaking periodic reviews of the application of selected standards and norms in order to ensure their promotion, as well as to make appropriate recommendations to the Commission.

4. The focus in subsequent review cycles should be on identifying difficulties that have been encountered in the application of United Nations standards and norms, in crime prevention and criminal justice, ways in which technical assistance can be used to overcome those difficulties and desirable practices in crime prevention and control.

5. The resulting data and other information should be shared in order to enhance the level and impact of technical cooperation in the world, the overall objective being to promote criminal justice reform in line with applicable United Nations standards and norms in crime prevention and criminal justice.

6. The entire review process should be guided by the need to relate it to the main programme priorities of the United Nations, as noted in the United Nations Millennium Declaration[31] and the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[32] including strengthening the rule of law, good governance, sustainable development and the alleviation of poverty.

7. In line with the programme priorities of the United Nations, the Commission, at each of its sessions, should seek to focus on the application of a cluster of United Nations standards and norms in crime prevention and criminal justice. The Commission may wish to consider the possibility of reviewing a presentation of a particular cluster of standards and norms and their application in specific countries. Such a presentation could be prepared in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network.

8. In redesigning the information-gathering mechanisms and within the limits of current programme budget resources, the Commission should examine and propose focusing the future review process on selected clusters of instruments with the most widespread potential and relevance for application in criminal justice reforms in the world, in the following order of priority, bearing in mind gender as a cross-cutting issue, and grouped into clusters as follows:

(a) Juvenile justice and prison reform, including alternatives to imprisonment and restorative justice;

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[31] General Assembly resolution 55/2.

[32] General Assembly resolution 55/59, annex.

(b) The conduct of law enforcement and criminal justice practitioners, including the integrity of the judiciary;

(c) Public security and crime prevention;

(d) The treatment of victims and witnesses;

(e) Legal, institutional and practical arrangements for international cooperation (model treaties).

9. The Commission should request donor States and relevant intergovernmental and non-governmental institutions to support criminal justice reforms, in accordance with United Nations standards and norms in crime prevention and criminal justice, in countries requesting assistance. The Commission could rely on a roster of national and regional experts who could, upon request, provide technical assistance and advice on the use and application of selected standards and norms.

10. The Commission should encourage donor countries to make financial contributions to the United Nations Crime Prevention and Criminal Justice Fund. Contributions should be directed towards technical cooperation projects for implementing and promoting United Nations standards and norms in crime prevention and criminal justice, as well as organizing meetings of experts to identify priority areas for the development of future standards and norms.

Recommendations to Member States and other entities

11. Each of the Member States should be encouraged to identify at least one contact person who could serve as a knowledgeable source for the analysis of the State's response concerning the application of United Nations standards and norms in crime prevention and criminal justice.

12. Member States should establish mechanisms and provide resources at the national level for promoting and monitoring the application of United Nations standards and norms in crime prevention and criminal justice.

13. Focused efforts should be made to obtain the commitment of policy makers and criminal justice managers to the implementation of United Nations standards and norms in crime prevention and criminal justice.

14. Member States should publish and disseminate, in their local languages, the United Nations standards and norms in crime prevention and criminal justice.

15. United Nations standards and norms in crime prevention and criminal justice should be easily accessible and explained in understandable language.

16. Member States, financial institutions and development agencies should support projects for the implementation of United Nations standards and norms in crime prevention and criminal justice.

17. Member States, intergovernmental and non-governmental organizations and interregional, regional and national training and educational institutions should vigorously promote programmes and projects that advance the United Nations standards and norms in crime prevention and criminal justice.

18. National institutions and non-governmental organizations should integrate United Nations standards and norms fully into their relevant training programmes.

Recommendations to the United Nations Office on Drugs and Crime

19. The United Nations Office on Drugs and Crime should emphasize in its organizational structure and operations the essential role of United Nations standards and norms in crime prevention and criminal justice.

20. The United Nations Office on Drugs and Crime should assist Member States, upon request, in the application of United Nations standards and norms in crime prevention and criminal justice and in the development of projects.

21. The United Nations Office on Drugs and Crime should seek to ensure that the relevant entities within the Secretariat and in the field are fully aware of the importance of United Nations standards and norms in crime prevention and criminal justice for building and maintaining the rule of law.

22. Well-focused efforts should be undertaken to encourage officials in peacekeeping and peace-building operations and their counterparts to apply United Nations standards and norms in crime prevention and criminal justice.

23. The United Nations Office on Drugs and Crime should identify opportunities for sharing data and other information on United Nations standards and norms in crime prevention and criminal justice with Governments and with intergovernmental and non-governmental organizations.

24. The information provided by Member States on the application of United Nations standards and norms in crime prevention and criminal justice should be distributed by the United Nations Office on Drugs and Crime via the World Wide Web.

25. The United Nations Office on Drugs and Crime should encourage financial institutions, development agencies and non-governmental organizations to expand their technical assistance programmes for improving access to justice and the rule of law.

26. The information-gathering mechanisms used by the United Nations Office on Drugs and Crime should be reviewed in order to bring them in line with the overall programme priorities of the United Nations. The goal should be to redesign the mechanisms in a more comprehensive, consistent and operational manner, so that the collected data and other information are more relevant to those priorities. The goal should also be to enhance cooperation among respondents, both in the collection of data and in the execution of technical cooperation projects.

27. New information-gathering mechanisms should be focused on identifying difficulties encountered in application and desirable practices. The mechanisms should be based on the present United Nations priorities unless the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in 2005, identifies new priorities.

28. Bearing in mind the priorities, the new information-gathering mechanisms should be conceptualized and existing mechanisms reviewed along the following parameters:

(a) Standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice;

(b) Standards and norms related primarily to good governance, the independence of the judiciary and the integrity of criminal justice personnel;

(c) Standards and norms related primarily to crime prevention and victim issues;

(d) Standards and norms related primarily to legal, institutional and practical arrangements for international cooperation.

29. Reviews of United Nations standards and norms related primarily to capital punishment should be conducted pursuant to Economic and Social Council resolution 1995/57 of 28 July 1995, in which the Council recommended that the quinquennial reports of the Secretary-General should continue to cover the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty.

30. In gathering information on the above-mentioned priorities, the United Nations Office on Drugs and Crime should also focus its efforts on practical measures that make it possible to determine their operational usefulness in restoring or maintaining law and order, with particular reference to developing countries, countries with economies in transition and post-conflict situations.

31. The United Nations Office on Drugs and Crime should continue to explore the possibility of additional approaches and techniques in information-gathering in order to develop even more concise, simplified and cross-sectoral methods.

32. The survey instruments should be designed to be short, easy to complete and comprehensible.

33. The Secretary-General is requested to involve the regional institutes of the United Nations Crime Prevention and Criminal Justice Programme network in the review and design of the information-gathering instruments and the analysis of information collected.

34. Procedures should be developed according to which the Secretary-General, in reporting on the application of United Nations standards and norms in crime prevention and criminal justice, would be able to utilize not only other relevant information available within the United Nations, but also the expertise of specialized agencies, relevant intergovernmental and non-governmental organizations and academic institutions.

Recommendations on training

35. The United Nations Office on Drugs and Crime should continue to develop and produce manuals, modules and tools to be used in providing training on United Nations standards and norms in crime prevention and criminal justice, to carry out a limited number of such training courses and workshops and to coordinate such training with other United Nations entities.

36. A training unit should be created within the United Nations Office on Drugs and Crime and resources should be allocated for training and coordination functions.

37. To the maximum extent possible, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network should be utilized in the planning and conduct of such training activities.

38. In cooperation with the Department of Peacekeeping Operations and the Department of Political Affairs of the Secretariat, the United Nations Office on Drugs and Crime should develop basic training materials for peacekeeping and peace-building operations.

Recommendations on technical cooperation

39. The United Nations Office on Drugs and Crime should establish rosters of national and regional experts who would be able to provide, upon request, technical assistance and advice on the application of particular types of United Nations standards and norms in crime prevention and criminal justice. Such rosters should be developed in accordance with the different clusters of such standards and norms.

40. The advisory services of the United Nations Office on Drugs and Crime in relation to United Nations standards and norms in crime prevention and criminal justice should be enhanced. Projects should be evaluated in the light of the information gathered. The lessons learned should be incorporated into future planning so that the capacity to execute technical assistance projects can be improved.

41. At the request of Member States, practical projects should be developed, in particular for victims' support services and witness protection, prison reform and alternatives to imprisonment, juvenile justice and restorative justice.

Draft resolution VIII

Functioning of the Commission on Crime Prevention and Criminal Justice

The Economic and Social Council,

Mindful of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to General Assembly resolution 46/152 of 18 December 1991,

Recalling Commission on Crime Prevention and Criminal Justice resolutions 1/1, 4/3, 5/3 and 6/1, adopted under the agenda item "Strategic management and programme questions",

Recalling in particular Commission resolution 5/3, in which it requested member States to submit to the bureau draft proposals, together with the information required in accordance with the annex to Commission resolution 4/3, one month prior to the commencement of the session of the Commission, in order to ensure the smooth and effective functioning of the Commission,

Recognizing the need for the bureau of the Commission to have adequate time to prepare for sessions of the Commission,

Recalling its resolution 1999/30 of 28 July 1999, in particular paragraph 3 of chapter I thereof regarding the method of election of the bureau of the Commission on Narcotic Drugs,

1. *Encourages* States members of the Commission on Crime Prevention and Criminal Justice to submit their draft proposals to it in accordance with its

resolution 5/3 and to include in such proposals the information required in accordance with the annex to Commission resolution 4/3, including on the proposed activity, the timetable and identification of the United Nations or other body that could carry out the activity, one month prior to the commencement of the session of the Commission;

2. *Endorses* the request of the Commission to its bureau to report on its intersessional work annually, including on its experience with regard to the adherence of Member States to the procedural requirements for the submission of draft proposals;

3. *Decides* that the Commission should examine during the intersessional period, with a view to taking a decision at its thirteenth session, the duration of the session of the Commission on the basis of the experience gained from its twelve sessions held so far and taking into account the requirements of the United Nations Crime Prevention and Criminal Justice Programme, the requirements of the work of the Commission, the judicious use of the resources allocated to the Commission and the experience to be gained from its intersessional meetings;

4. *Requests* the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime to submit to the Commission at its thirteenth session a report on the status of implementation of the mandates assigned to it by or through the recommendation of the Commission, including information on the requirements of such implementation;

5. *Decides* that, with effect from the year 2004, the Commission should, at the end of its session, elect its bureau for the subsequent session and encourage it to play an active role in the preparation of the regular as well as the informal intersessional meetings of the Commission, so as to enable the Commission to provide continuous and effective policy guidance to the United Nations Crime Prevention and Criminal Justice Programme, and also decides that the Chairman should, whenever appropriate, invite the chairmen of the five regional groups, the chairman of the Group of 77 and China and the Presidency of the European Union to participate in the meetings of the bureau.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I

Report of the Commission on Crime Prevention and Criminal Justice on its twelfth session and provisional agenda and documentation for its thirteenth session

The Economic and Social Council:

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its twelfth session;[33]

[33] *Official Records of the Economic and Social Council, 2003, Supplement No. 10* (E/2003/30).

(b) Approves the provisional agenda and documentation for the thirteenth session set out below, on the understanding that intersessional meetings will be held in Vienna, at no additional cost, to finalize the items to be included in the provisional agenda and the documentation requirements for the thirteenth session.

Provisional agenda and documentation for the thirteenth session of the Commission on Crime Prevention and Criminal Justice

1. Election of officers.

   (Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council Commission on Crime Prevention and Criminal Justice and Council resolution 2003/... [E/CN.15/2003/L.3/Rev.1])

2. Adoption of the agenda and organization of work.

   Documentation

   Provisional agenda, annotations and proposed organization of work

   (Legislative authority: rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council and Council resolution 1992/1 and decision 1997/232)

3. Thematic discussion on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice.

   Sub-themes to be identified by intersessional meetings

   A workshop on the theme to be organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

   Documentation

   Report of the Secretary-General on the rule of law and development: the contribution of operational activities in crime prevention and criminal justice

   (Legislative authority: Economic and Social Council resolution 1999/51 and decision 2002/238)

4. Work of the Centre for International Crime Prevention.

   Documentation

   Report of the Executive Director on the work of the Centre for International Crime Prevention

   (Legislative authority: General Assembly resolution 57/170 and Economic and Social Council resolutions 1992/22, 1999/23, 2003/... [E/CN.15/2003/L.2/Rev.2] and 2003/... [E/CN.15/2003/L.16])

   Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

   (Legislative authority: Economic and Social Council resolutions 1992/22, 1994/21 and 1999/23)

5. International cooperation against transnational crime:

   (a) United Nations Convention against Transnational Organized Crime and the Protocols thereto;

   Documentation

   Report of the Secretary-General

   (Legislative authority: General Assembly resolutions 57/168, 57/169 and 58/... [E/CN.15/2003/L.15])

   (b) United Nations Convention against Corruption;

   Documentation

   Report of the Secretary-General

   (Legislative authority: General Assembly resolutions 40/243, 55/61, 56/186, 56/260 and 57/169)

   (c) International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims.

   Documentation

   Report of the Secretary-General

   (Legislative authority: Economic and Social Council resolutions 2002/16 and 2003/... [E/CN.15/2003/L.13/Rev.1])

6. Strengthening international cooperation and technical assistance in preventing and combating terrorism.[34]

   Documentation

   Report of the Secretary-General

   (Legislative authority: General Assembly resolution 58/... [E/CN.15/2003/L.9/Rev.1])

7. Use and application of United Nations standards and norms in crime prevention and criminal justice:

   Documentation

   Report of the Secretary-General

   (Legislative authority: Economic and Social Council resolutions 1992/22 and 2003/... [E/CN.15/2003/L.17/Rev.1])

   (a) Guidelines for the Prevention of Crime;

[34] In accordance with General Assembly resolution 58/... [E/CN.15/2003/L.9/Rev.1], a senior-level discussion on progress made with regard to the criminal justice aspects of terrorism and international cooperation and to the universal conventions and protocols related to terrorism will be organized during the thirteenth session of the Commission. Details of the arrangements for the discussion will be prepared by the extended bureau of the Commission and submitted for consideration at intersessional meetings of the Commission.

Documentation

Report of the meeting of experts on the development of a practical manual on the use and application of the Guidelines for the Prevention of Crime

(Legislative authority: Economic and Social Council resolution 2003/... [E/CN.15/2003/L.6/Rev.1])

(b) Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property

Documentation

Report of the Secretary-General

(Legislative authority: Economic and Social Council resolution 2003/... [E/CN.15/2003/L.12])

8. Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

Documentation

Report of the Secretary-General, including progress made in the follow-up to the Vienna Declaration and the plans of action, as well as new developments that have taken place in the areas covered by the Vienna Declaration.

(Legislative authority: General Assembly resolutions 56/119, 57/171, 57/170 and 58/... [E/CN.15/2003/L.8/Rev.1])

Discussion guide for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

(Legislative authority: General Assembly resolutions 56/119, 57/171, 57/170 and 58/... [E/CN.15/2003/L.6/Rev.1] and Economic and Social Council resolution 2003/... [E/CN.15/2003/L.8/Rev.1])

9. Strategic management and programme questions:

(a) Functioning of the Commission on Crime Prevention and Criminal Justice;

Documentation

Report of the Secretary-General

(Legislative authority: Commission on Crime Prevention and Criminal Justice resolutions 1/1, 4/3, 5/3, 6/3 and 7/1 and Economic and Social Council resolution 2003/... [E/CN.15/2003/L.3/Rev.1])

(b) Programme questions;

Documentation

Proposed medium-term plan for the period 2006-2009, programme (...), Crime prevention and criminal justice

(c) United Nations Interregional Crime and Justice Research Institute;

Documentation

Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

10. Provisional agenda for the fourteenth session of the Commission.

(Legislative authority: rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council and Council decision 2002/238)

11. Adoption of the report of the Commission on its thirteenth session.

Draft decision II

Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

The Economic and Social Council decides to endorse the appointment, by the Commission on Crime Prevention and Criminal Justice at its twelfth session, of Pedro David and Takayuki Shiibashi to the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute.

Chapter II

Thematic discussion on trafficking in human beings, especially women and children

4. The discussion was led by the following panellists: Suzanne Aho (Togo), Beate Andrees (International Labour Organization), Kevin Bales (Consultant, United Nations Office on Drugs and Crime), Radim Buress (Czech Republic), Jean-Michel Colombani (France), Maira Zenery Alfonso Cuellar (Colombia), Kristiina Kangaspunta (United Nations Office on Drugs and Crime), Ingela Klinteberg (Sweden), Helga Konrad (Austria), Elkane Mooh (Save the Children Sweden), Andrea Rossi (United Nations Children's Fund), Wanchai Roujanavong (Thailand), Gulnara Shahinian (Armenia), José Luis Santiago Vasconcelos (Mexico) and Reynaldo G. Wycoco (Philippines).

5. Statements were made by the representatives of Algeria, Armenia, Australia, Austria, Bulgaria, Canada, Colombia, Cuba, the Czech Republic, El Salvador, Ethiopia, France, the Gambia, Germany, Greece, India, the Islamic Republic of Iran, Italy, Japan, Mexico, Nigeria, the Philippines, Poland, Serbia and Montenegro, Sierra Leone, Spain, Sweden, Thailand, Ukraine, the United States of America and Zimbabwe (on behalf of the Group of African States). Observers for the following intergovernmental and non-governmental organizations addressed the Commission on Crime Prevention and Criminal Justice, the International Scientific and Professional Advisory Council, the International Centre for Migration Policy Development, Soroptimist International and the League of Arab States. A statement was also made by a representative of the Department of Peacekeeping Operations of the Secretariat.

6. The thematic discussion was introduced by a representative of the Secretariat, who stated that by holding such thematic discussions the Commission had an opportunity to obtain insights from leading experts in the area of trafficking in persons. Experience gained in their own countries or in international organizations would help to frame the debate and serve as the basis for the discussion within the Commission.

A. Deliberations

1. Trends in trafficking in persons

7. Five panellists made statements on the sub-theme of trends in trafficking in persons, with particular emphasis on data collection, global trends in responses to trafficking, trafficking in Western Africa, trafficking in South-Eastern Europe and trafficking in children. Their statements reflected research undertaken on law enforcement, provision of services, legislative responses, public awareness-raising, forms of intervention and interdiction and the relationship between trafficking and such factors as poverty, gender discrimination and ethnic conflict.

8. The Commission was informed of the construction of a database by the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime (formerly known as the Office for Drug Control and Crime Prevention) to contain information concerning trafficking in persons. The database was based on

official statistics, reports of international organizations, information gathered by non-governmental organizations, academic research, conference papers and news clippings and other media information. At the time of the twelfth session of the Commission, relevant information from nearly 300 sources had been entered into the database, documenting nearly 3,000 cases of trafficking in persons. That information made possible the identification of the main countries of origin, transit and destination of trafficked persons. A clear relationship could be seen between economic development and the level and nature of trafficking in persons that was reported, with source countries typically being among the poorer and destination countries among the more affluent countries. Those data also showed that a majority of the victims were women trafficked for purposes of sexual exploitation and that nearly half of all cases included trafficking in children.

9. Research was presented that noted the strong link between trafficking in persons and human development, as measured by the United Nations human development index. It had been found that, within regions, variations in the human development index were closely related to levels of trafficking in persons and slavery. It was therefore suggested that international development policies should place trafficking at the centre of development strategies. It was noted that, from a global perspective, there had been a significant increase over the last five years in the attention given to the issue of trafficking in persons. An important trend noted was that of centralization of response. In particular, increased centralization had been seen in the areas of data collection and the production of directories of service providers and agencies concerned with victims of trafficking. The emergence of new legislation had also been reported in a number of States, as well as more widely developed and increased opportunities for training for personnel dealing with trafficking in persons and the formulation of guidelines for the treatment of victims of trafficking. Such centralizing trends were seen as important, but it was noted that in many countries responsibility for trafficking spread across a number of government departments and that, therefore, there continued to be insufficient coordination within or between countries in their response to trafficking.

10. As regards trafficking in children in West Africa, it was reported that traditional forms of education for rural children that involved their being placed with families in cities had evolved, in some cases, into forms of trafficking. Promises of education and other opportunities were made to parents and children, but the actual result was that children were subjected to violent control and exploitation. On the basis of promises that consumer goods might be obtained through their employment, children were being trafficked from the poorer to the richer countries in the region. A sophisticated process involving recruiters, transporters and "placers" in the destination countries ensured that control of the children by criminals was complete and profitable. A number of individual cases of trafficked children were presented, all demonstrating the terrible damage done to the innocent young people involved. As an example of a positive response, despite the relative lack of resources, Togo had established and equipped monitoring committees around the country, mounted awareness-raising campaigns and set up programmes to provide school supplies to children and economic support to mothers, aimed at reducing the incidence of trafficking in children.

11. A report was also presented on the work of the Task Force on Trafficking in Human Beings of the Stability Pact for South-Eastern Europe. The Task Force had

brought together more than 16 international agencies in order to cooperate with the countries of the region. Through the Task Force, countries had developed plans of action and had standardized their data collection. Working together, international agencies and the countries of the region had organized awareness-raising campaigns, training for police, shelter for victims, assistance for victims who wished to return to their homes and support in the drafting of new legislation. Additionally, the Task Force coordinated research, which was crucial to formulating an effective response, since the organized criminal groups that trafficked in persons reacted and adapted rapidly to changing legal, social and economic conditions. Despite the successes of the Task Force, there was still a significant amount of trafficking in the region. Accordingly, it was recommended that States give special attention to decriminalizing victims of trafficking and clearly differentiating the official response to those who were trafficked and smuggled.

12. Current research on trafficking in children in Africa, Europe and other regions was presented by the representative of the UNICEF Innocenti Research Centre. Trafficking in children was perceived as a severe or very severe problem by 90 per cent of respondents in Africa. When cases of trafficking in children were traced, it was found that many had been taken to more than one country in the process. Some countries had received trafficked children from more than nine other countries and the main countries of origin had seen their children trafficked to more than nine destination countries. It was noted that there were patterns in the flows of children trafficked within Africa. The primary flows involved children circulating between the countries of Western Africa and children trafficked from Eastern Africa to Southern Africa. There were also flows from Eastern and Western Africa northwards to Europe. A special challenge lay in confronting the fact that trafficking in persons was the responsibility of disparate agencies and departments in the different countries of Africa. That responsibility was assigned to ministries of social affairs in just under half of all countries, to ministries of labour in 17 per cent of countries, to ministries of home affairs in 7 per cent and to ministries of justice in 7 per cent of countries. In 23 per cent of countries, no ministry or department had responsibility for trafficking in children. Research results showed that trafficking in children should be seen as a cross-cutting protection issue that required an integrated and multifaceted strategy, as well as cross-border and multi-country approaches. It also required improved collaboration and partnerships and a strong knowledge base.

13. A number of delegates welcomed and supported the findings provided by the experts. A representative of the Department of Peacekeeping Operations described the programmes the Department had instituted to combat trafficking and exploitation in the areas of conflict in which it operated. The delegates of several countries welcomed calls for the standardization of data collection, noting that their own official information did not yet match the common definitions set out in the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I, the "Organized Crime Convention").

2. Investigating and prosecuting cases of trafficking in persons: national and international law enforcement cooperation and assistance

14. Five panellists made statements on the sub-theme of investigating and prosecuting cases of trafficking in persons: national and international law enforcement cooperation and assistance, presenting regional and national criminal

justice responses to trafficking in persons, including measures to strengthen national and international cooperation between authorities and other relevant bodies, investigating and prosecuting cases of trafficking in persons, fighting trafficking networks effectively and the role of the victim in the criminal justice process, as well as assistance to victims based on their individual needs.

15. One panellist emphasized the fact that, for criminal justice practitioners to work effectively, more international cooperation was required. It was necessary, for example, to establish links between law enforcement agencies and prosecutors' offices in the countries of origin, transit and destination and to facilitate exchange of information and mutual legal assistance. Several examples of regional cooperation were given. It was noted that, at the national level, the flexible nature of organized criminal groups presented a challenge to investigative action. The adoption of effective law enforcement structures, the use of special investigation techniques and possibilities for freezing, seizure and confiscation of assets were among the key tools required for successful investigation and prosecution of trafficking cases.

16. It was also stressed that cooperation between authorities and other relevant actors, especially non-governmental organizations, was essential to a successful fight against traffickers. Because trafficking in persons was a complex problem, comprehensive responses were needed, involving all the relevant stakeholders. National action plans were mentioned as useful frameworks for coordinating the efforts of the different actors.

17. The importance of the ratification of the Organized Crime Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II, the "Trafficking in Persons Protocol"), was strongly emphasized. Ratification would lead to more harmonious legislation relating to crimes of trafficking and would enhance cooperation between States in the investigation and prosecution of cases. It was also stressed that legislation should cover all forms of exploitation related to trafficking in persons.

18. Several speakers underlined the importance of supporting and protecting victims in order to empower them to cooperate with criminal justice practitioners and to start a new life. It was noted that, for a variety of reasons, many victims were reluctant to cooperate with police and prosecutors. Victims might be concerned about being treated as criminals because of illegal immigration or involvement in prostitution. Many were also fearful of retaliation by the traffickers against themselves or their family in their home countries if they were seen to be cooperating with the authorities. It was suggested that such problems could be reduced if both investigation and prosecution focused on the laundering of the proceeds of trafficking. More attention should also be given to possibilities for the confiscation of assets, for example, through the reversal of the burden of proof and the use of civil forfeiture.

19. Several delegates informed the Commission about new legislation and policies enabling immigration authorities to grant temporary or initial residence permits to "victim-witnesses" cooperating with the police, as well as about new measures of effective victim-witness protection.

20. Other delegates reported on the status of ratification of the Organized Crime Convention and the Trafficking in Persons Protocol in their countries, including the formulation of national and regional action against trafficking such as reform of legislation, development of action plans, prevention measures and victim assistance schemes. Several speakers underlined the importance of understanding the root causes of trafficking, including factors influencing both supply and demand. Some speakers noted that corruption should be addressed effectively in order to eradicate trafficking in persons.

3. Awareness-raising and social intervention: victim support and the role of civil society

21. Five panellists made statements on the sub-theme of awareness-raising and social intervention: victim support and the role of civil society. Their presentations addressed experience gained in different parts of the world in various areas, such as addressing root causes, factors influencing both supply and demand, special measures for preventing trafficking for purposes of forced labour, assistance to victims based on their individual needs, inclusion of gender and human rights perspectives in the response of the criminal justice system and involving civil society.

22. Speakers agreed that respect for the human rights of victims was a fundamental principle in all action against trafficking in persons. Assistance to and protection of victims should be ensured, both in countries of destination and in countries of origin, including throughout a repatriation and reintegration process. It was stressed that cooperation with intergovernmental and non-governmental organizations was essential in order to respond adequately to the needs of victims.

23. Some speakers emphasized less visible forms of exploitation, which were often connected to forced labour. It was noted that raising awareness on legal ways to enter labour markets could provide alternatives to groups at risk of becoming victims of trafficking. It was further emphasized that trafficking, especially in women, could also be seen as one form of gender-based violence. Criminal justice responses were not successful if they were not combined with human rights and gender perspectives. Concerning the destination countries, it was emphasized that victims of trafficking should be given the possibility to reflect on their situation and to decide whether to stay or return to their home country. It was stressed that temporary and permanent residence permits should be given to victims. One representative underlined the importance for victims to be afforded, where appropriate, the possibility to receive compensation.

24. It was noted that civil society had a key role to play in prevention of trafficking and in assistance to victims. There were several advantages to involving civil society, such as its ability to reach groups that were out of reach to authorities and to alter stereotypical views related to trafficking in persons. At the same time, it was emphasized that certain difficulties might arise when involving civil society, such as competition between different organizations and the instability of some non-governmental organizations.

25. The Commission was provided with information on prevention of trafficking in persons and victim assistance initiatives by several delegations. Successful measures that had been taken in cooperation with intergovernmental and non-

governmental organizations, such as information campaigns, were mentioned. Some delegations gave additional information on government action to allow victims of trafficking to stay in countries of destination, including through special visa regulations.

26. A representative of the Secretariat summarized the deliberations and concluded that consensus had emerged concerning the need for a victim-centred approach in the fight against trafficking in persons. Victim protection and support, it was generally felt, were essential both for humanitarian reasons and as a prerequisite for successful investigation and prosecution. In his closing remarks, the Chairman of the panel stated that trafficking in persons, especially women and children, was a global problem that affected all countries regardless of their level of development and that there was an urgent need for greater international cooperation to address the problem. Furthermore, he emphasized that States should become parties to and implement the Organized Crime Convention and the Protocols thereto, including the Trafficking in Persons Protocol. In that regard, it was necessary for States parties to align their national laws with the requirements of the Convention and its Protocols. He also noted that a number of actors, including intergovernmental and non-governmental organizations, were already working actively in the area of trafficking in persons and that it was important for them to share information on the subject.

B. Workshop on the theme "Trafficking in human beings, especially women and children"

27. The workshop on the theme "Trafficking in human beings, especially women and children" was organized by the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and coordinated by the United Nations Interregional Crime and Justice Research Institute. The workshop was chaired by a Vice-Chairman of the Commission at its twelfth session, T. P. Sreenivasan (India). Eleven papers were presented at the workshop by representatives of the various institutes of the Programme network and non-governmental organizations, by individual experts from Greece and Sweden, as well as by representatives of the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights. A summary of the presentations was made by the scientific rapporteur of the workshop, Toni Makkai (Australian Institute of Criminology). Following past practice, the workshop was structured to facilitate an interactive dialogue among participants.

28. The first speaker, a Swedish public prosecutor, emphasized that, in order to complete a successful prosecution, it was essential for all the links in the chain to be documented and presented to the court. Important tools required for a successful prosecution included specific anti-trafficking legislation, the ability to track information over the Internet to provide digital evidence when the Internet had been used and to trace the money trail and identify those who exploited trafficked persons, and finally to locate the victims and secure their testimony. International cooperation was essential in prosecuting trafficking as it involved activities that crossed borders.

29. The observer for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders provided a regional overview of research evidence on the scale and size of the problem of trafficking in persons in Asia and the Pacific. The observer pointed out that it was difficult to obtain a true picture of the problem, as the activity was illegal and involved organized criminal groups. Many of the countries did not have specific legislation on trafficking offences so official statistics were rare. It was noted that there was extensive intraregional trafficking in the Mekong region, in particular around Thailand. Japan had become a major country of destination for victims of trafficking in persons from the surrounding subregion.

30. The observer for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders provided an overview of the trafficking situation in Latin America, including how trafficking occurred and the geographic and economic factors that facilitated it. The presentation drew on a study carried out by the International Human Rights Law Institute of the College of Law at DePaul University on sex trafficking in Central America and the Caribbean. There were few statistics on the scale and size of the problem and that was exacerbated by the lack of a uniform definition of the term "trafficking". Most trafficking in the region was for sexual exploitation of women and children. Trafficking seemed to be comparatively well organized, involving extensive use of networks and organizations.

31. The observer for the National Institute of Justice of the Department of Justice of the United States of America provided an overview of trafficking in North America (Canada, Mexico and the United States). Trafficking occurred for sexual exploitation, sweatshop labour and domestic servitude, while young children were also kidnapped and sold for adoption. Although smuggling and trafficking shared certain features, an important distinction was that smuggling resulted in short-term profit, while trafficking could extend over many years and result in long-term exploitation for profit. The presentation highlighted the lack of research on the dynamics and size of the problem. There was evidence that Canada was a country both of destination and transit to the United States, while Mexico was primarily a country of transit to the United States. It was noted that trafficking was often discovered as a by-product of other law enforcement investigations and that little was known about traffickers. What was known suggested that they ranged from individual entrepreneurs to sophisticated organized criminal rings.

32. Owing to scarcity of information from many countries of the region, the report of the African Institute for the Prevention of Crime and the Treatment of Offenders focused mainly on the Economic Community of West African States. In reviewing the five most prevalent types of transnational organized crime, trafficking in women and children was ranked fifth. Only a few of the member States of the Community had specific legislation that criminalized trafficking in persons. The two main types of trafficking identified were trafficking in children, mainly for domestic work and farm labour, and trafficking of women and children for sexual exploitation. The former occurred both across and within national borders, while the latter was mainly outside the region. A number of significant subregional initiatives had been undertaken.

33. The observer for the European Institute for Crime Prevention and Control, affiliated with the United Nations, described the situation in Europe. Based on

research, trafficking in women and children may be divided into two groups: the member States of the European Union, which serve as the destination area, and Eastern and Central Europe, the Balkans and the countries of the Commonwealth of Independent States, which are source and transit areas. The main routes to and with Europe were described. It was noted that, in Europe, trafficking in women and children was dominated by trafficking for sexual exploitation. Approximately 10-39 per cent of victims were under 18 years of age, mostly girls of 15-18 years. It was emphasized that precise information on the volume and turnover of the crime was not available.

34. In the discussion, questions addressing operational, policy and research issues were raised. Speakers expressed particular concern at the lack of victim and witness protection. The increase in the number of children being trafficked called for more sustained efforts in that area. Both demand and supply should be addressed and several speakers stressed that prostitution and trafficking were distinct activities. It was further noted that the definition of "trafficking in persons" in the Trafficking in Persons Protocol broadened the scope of trafficking from sexual exploitation to other forms of trafficking, including forced labour and domestic servitude.

35. The workshop then proceeded to undertake an analysis of the problem, led by the National Institute of Justice. It was argued that there were six key components to an appropriate response to human trafficking: legislation, enforcement, prosecution, penalties, programmes for victims and public awareness and accountability. Examples of the efforts of different countries were described. Important aspects of enforcement included training, regional task forces and exchange of intelligence information. It was emphasized that there was a need to track the number of victims and services provided in order to assess the level of effort in that area. Community awareness was critical in the fight against trafficking, in countries both of source and destination. Only a few countries monitored trafficking patterns through effective border controls, using reliable estimation methods.

36. The representative of the Office of the United Nations High Commissioner for Human Rights pointed out that trafficking was at the centre of the discourse on human rights, but there had been qualitative shifts in recent years in approaches to anti-trafficking, which included the setting of standards, development of national policies across countries and recognition of the plight of victims. Furthermore, countries of source and destination were inextricably linked.

37. The representative of the Office of the United Nations High Commissioner for Refugees described the interest of the Office in the debate as being twofold: firstly, to examine the exposure of refugees to the risk of being trafficked, as most refugee women and children were often without, or became separated from, family members during flight, and in such general situations of insecurity and lawlessness became vulnerable targets for trafficking rings; secondly, to view trafficking as a form of persecution underpinning refugee recognition. In relation to the latter point, being a victim of trafficking was not of itself sufficient ground for a claim of refugee status, but rather the consequences of the trafficking experience must be given full and adequate consideration in the broader assessment of claims of refugee status. The Office was currently working on specific guidelines, which would further elaborate upon the issue of trafficking as a form of persecution. In order for the Organized Crime Convention and its Protocols to meet their overall objectives in an effective

manner, it was crucial that the protection aspects of those instruments be considered on a par with the crime control aspects.

38. The scientific rapporteur of the workshop summarized the evidence base on trafficking as outlined in the various presentations. A number of limitations in the evidence base had been noted, including imprecise estimates of the size of the problem; large disparities between estimates and documented cases; a lack of consistent methodology for measuring key concepts such as exploitation; and problems in the reliability of data obtained from case studies, key informants, official statistics and media reports.

39. There was a need to adapt and modify existing methodologies and to develop innovative new ones in order to improve the reliability and validity of the data on trafficking. Without baseline data it would be impossible for policy makers to allocate resources and to evaluate policy initiatives. In addition, ongoing monitoring was required in order to identify shifts in patterns, to respond more effectively to changes and to facilitate outcome evaluations on interventions. Finally, credible data were critical for effective training of law enforcement and other relevant practitioners and for informing local communities so they could be empowered also to assist in dealing with trafficking.

40. The rapporteur noted that comparative research added another layer of complexity to the research. National statistics were affected by domestic legislation that was not consistent across countries, nor were interdiction efforts consistent. Furthermore, different reporting levels by victims existed where the presence of the media and non-governmental organizations was greater and more active.

41. In terms of moving forward, there was a pressing need to undertake systematic work that would define key concepts and develop workable measures, document the methodologies used, produce estimates and then develop standards and norms of best practice, as well as methodologies for data collection that could be applied across countries to provide comparative data, while improving the quality of data through exchange of relevant information.

C. Action taken by the Commission

42. At its 15th meeting, on 22 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking", sponsored by Australia, Austria, Belgium, Bolivia, Bulgaria, Colombia, Croatia, El Salvador, Finland, France, the Gambia, Germany, Greece, Italy, the Netherlands, Nigeria, Peru, the Philippines, Poland, Portugal, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United States of America and Venezuela (E/CN.15/2003/L.14/Rev.1). (For the text, see chapter I, section A, draft resolution I.)

Chapter III
Work of the Centre for International Crime Prevention

43. At its 5th meeting, on 15 May, the Commission on Crime Prevention and Criminal Justice considered item 4 of its agenda. It had before it the following documents:

(a) Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2003/2);

(b) Report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network (E/CN.15/2003/4).

44. Following an introductory statement by the Director of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Croatia, France, Japan and the United States.

45. The observers for Cuba (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States), Greece (on behalf of the States Members of the United Nations that are members of the European Union, acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and associated countries Bulgaria, Romania and Turkey), the Philippines and Turkey also made statements to the Commission. The observer for the United Nations Interregional Crime and Justice Research Institute made a statement on behalf of the members of the United Nations Crime Prevention and Criminal Justice Programme network and a statement on behalf of the United Nations Interregional Crime and Justice Research Institute. The observer for the European Institute on Crime Prevention and Control, affiliated with the United Nations, also made a statement. In their statements at the opening of the twelfth session of the Commission, the Chairman of the Group of 77 and China, the Chairman of the Group of African States, the Chairman of the Group of Latin American and Caribbean States and the Minister of Justice of Greece (on behalf of the European Union and the acceding and associate countries) also spoke on the work of the Centre.

A. Deliberations

46. Speakers expressed their appreciation for the high quality of the report of the Executive Director on the work of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime. Participants noted with satisfaction the increasing scope of technical assistance activities undertaken by the Centre during the year under review, including the launching of the Global Programme against Terrorism and the criminal justice reform programme in Afghanistan.

47. They also expressed their support for the work done under the other global programmes, against organized crime, corruption and trafficking in human beings. One representative of a country receiving technical assistance within the framework of the Global Programme against Trafficking in Human Beings gave an encouraging account of the achievements of a recently concluded project in his country.

48. Speakers stressed the need to focus technical cooperation activities on those areas specifically mandated by the Commission.

49. They also encouraged the Centre to continue to provide technical assistance in support of criminal justice reform, drawing on United Nations standards and norms in crime prevention and criminal justice.

50. The representative of the Presidency of the European Union stated that the Union looked forward to intensified collaboration, in particular with the European Crime Prevention Network, which focused on juvenile, urban and drug-related crime.

51. The Chairman of the Group of African States informed the Commission that the Group attached great importance to finalization of the legislative guides on organized crime, international cooperation to prevent and combat kidnapping and support for the new African Centre for Research and Studies on Terrorism.

52. The Chairman of the Group of Latin American and Caribbean States emphasized the strengthening of the counter-terrorism programme, the dissemination of standards and norms, the protection of cultural patrimony, the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (General Assembly resolution 55/59, annex) and the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

53. One representative called for stronger emphasis on prevention of urban crime and suggested that the issue should also be given special attention at the Eleventh Congress. Several speakers stressed the importance of data collection and preparation of publications.

54. Speakers called on the international community to increase the level of financial resources in order to allow the United Nations Crime Prevention and Criminal Justice Programme to respond to the mandates and requests for technical assistance from Member States. The importance of providing general-purpose funds for launching new projects and strengthening the presence in the field was also stressed. Calls were made to increase the number of contributors to the United Nations Crime Prevention and Criminal Justice Fund.

55. In the view of some speakers, it was also important for the international community to review periodically the mandates assigned to the United Nations Crime Prevention and Criminal Justice Programme, taking into account its limited capacity in terms of resources. The Programme should focus on areas where it had a comparative advantage and should enhance its cooperation with other international institutions to make more efficient use of resources. Its work should be prioritized, taking into account realistic prospects for funding and the fact that programme development was highly dependent on earmarked contributions. The United Nations Office on Drugs and Crime should explore creative funding mechanisms such as contributions from the private sector and cost-sharing arrangements for contracting technical experts to its Centre for International Crime Prevention.

56. A number of speakers stressed the importance of transparency and accountability, as emphasized by the Executive Director of the United Nations Office on Drugs and Crime, and they noted improved reporting procedures on the implementation of activities. In that regard, speakers welcomed both the delegation

of authority and the future implementation of the Programme and Financial Information Management System, noting that it would make available detailed information about the status of projects and expenditures under the different programmes.

57. Several speakers expressed support for the new operational priorities of the United Nations Office on Drugs and Crime and the integrated approach to drugs and crime, placing both issues in the context of sustainable development and balanced prevention and enforcement activities. In the light of the initiatives of the Executive Director for reform, further synergies between the Centre for International Crime Prevention and the United Nations International Drug Control Programme should be pursued and strengthened in relevant areas such as fund-raising, external relations, treaty affairs and financial management. It was hoped that field offices would become more involved in the implementation of crime programme projects and that resources to administer crime projects would be equitably distributed.

58. Observers for the institutes of the United Nations Crime Prevention and Criminal Justice Programme network expressed their gratitude to the Governments concerned for hosting and supporting the institutes and reiterated their willingness to work towards achieving the objectives set by the Commission. However, they also noted the need for the institutes to receive recognition and strong financial support from Member States.

B. Action taken by the Commission

59. At its 14th meeting, on 21 May, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Work of the Centre for International Crime Prevention, including the management of the United Nations Crime Prevention and Criminal Justice Fund", sponsored by Australia, Croatia, El Salvador, Greece (on behalf of the European Union), Italy, Japan and the United States of America (E/CN.15/2003/L.2/Rev.2). (For the text, see chapter I, section B, draft resolution I.)

60. Also at its 14th meeting, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "International cooperation, technical assistance and advisory services in crime prevention and criminal justice", sponsored by Angola, Bolivia, Brazil, Colombia, Greece, Paraguay, Peru, Portugal, Spain and Venezuela (E/CN.15/2003/L.16). (For the text, see chapter I, section B, draft resolution II.) Before the approval of the draft resolution, the Secretariat made a financial statement, the text of which is contained in annex IV.

Chapter IV

International cooperation in combating transnational crime

61. At its 5th to 7th meetings, on 15 and 16 May, the Commission on Crime Prevention and Criminal Justice considered item 5 of its agenda. It had before it the following documents:

(a) Report of the Secretary-General on prevention of corrupt practices and transfer of funds of illicit origin (A/57/158 and Add.1 and 2);

(b) Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its fourth session, held in Vienna from 13 to 24 January 2003 (A/AC.261/13);

(c) Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2003/2);

(d) Report of the Secretary-General on ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (E/CN.15/2003/5);

(e) Report of the Secretary-General on the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption (E/CN.15/2003/6);

(f) Report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims (E/CN.15/2003/7 and Add.1);

(g) Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources (E/CN.15/2003/8 and Corr.1 and Add.1).

62. At its 5th and 6th meetings, on 15 May, following an introductory statement by the Director of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Algeria, China, Croatia, Cuba (on behalf of the Group of Latin American and Caribbean States), France, Greece (on behalf of the European Union and the acceding and associated countries), Guatemala, Indonesia, Mexico, Panama, Peru, South Africa, the Sudan, Sweden, Turkey, Uganda, the United States, Yemen and Zimbabwe (on behalf of the Group of African States).

63. At its 7th meeting, on 16 May, following a presentation made by the Secretariat on the United Nations legislative guides on the Organized Crime Convention and the Protocols thereto, the Commission heard statements by the representatives of Australia, Canada, Colombia, Costa Rica, El Salvador, India, the Islamic Republic of Iran, Poland and the Republic of Korea. The Commission also heard statements by the observers for the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the League of Arab States, the Asia Crime Prevention Foundation and the International Centre for Criminal Law Reform and Criminal Justice Policy.

A. Deliberations

64. The Director of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime introduced the item by reviewing the work of

the Centre with regard to combating transnational organized crime. He summarized the activities of the Centre over the past year in a number of areas, in particular in the promotion of the ratification of the Organized Crime Convention and its Protocols. The Director emphasized that the required number of ratifications had almost been reached and that the Convention would in all likelihood enter into force during 2003. He also reviewed the role of the Centre in supporting the negotiation of the United Nations Convention against Corruption and encouraged Member States to facilitate the completion of the negotiations at the sixth session of the Ad Hoc Committee, to be held from 21 July to 8 August 2003. The results of work completed in connection with international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims, as well as progress made in addressing the problem of trafficking in protected species of wild flora and fauna and illicit access to genetic resources were also highlighted.

1. United Nations Convention against Transnational Organized Crime and the Protocols thereto

65. Several speakers expressed their concern at the continued growth of transnational organized crime and its multifaceted implications at the national, regional and international levels and reconfirmed their commitment to cooperate in the fight against it. Some speakers reported that their countries had developed comprehensive plans of action against organized crime and had implemented corresponding legislative measures aimed at improving international cooperation, while at the same time protecting the freedom and rights of individuals. The efforts of some States to conclude both bilateral and regional instruments to combat transnational organized crime were outlined. It was emphasized in that respect that the establishment of effective mechanisms for the expeditious implementation of extradition and mutual legal assistance procedures was an essential part of the common fight against transnational organized crime. Nevertheless, some speakers reported on the difficulties encountered by their Governments in combating transnational organized crime and called for donors to increase financial contributions to the Secretariat in order to facilitate the provision of further technical assistance.

66. Many speakers expressed satisfaction with the progress made towards the ratification and implementation of the Organized Crime Convention and its Protocols and stated that their Governments either had already ratified the instruments or were working towards that goal. In that respect, many speakers expressed their appreciation to the Secretariat for its technical assistance activities relating to the promotion of the ratification and implementation of the Convention and its Protocols. Several speakers expressed satisfaction with the results of regional and subregional seminars promoting the ratification and the implementation of the instruments and welcomed the convening of other regional pre-ratification seminars aimed at strengthening international cooperation. Appreciation was expressed for the efforts of the Secretariat to organize a treaty event in cooperation with the Office of Legal Affairs of the Secretariat in order to promote the ratification of the Convention and its Protocols.

67. Some speakers emphasized that the promotion of the ratification of the Convention should remain the highest priority of the Secretariat. In addition, the importance of establishing effective mechanisms for the implementation of the

Convention and its Protocols, once the Conference of Parties to the Convention had been established, was underscored. It was emphasized that such efforts should be adequately funded and take into account regional differences. In that connection, a number of speakers supported the efforts of the expert group developing the United Nations legislative guides on the Convention and its Protocols and expressed their appreciation to the Governments and organizations that had offered support for the process. Bearing in mind the close connection between transnational organized crime and terrorism, many speakers supported the combining of technical assistance activities on implementation of the universal instruments against terrorism and of the Organized Crime Convention.

68. Several speakers asked the Commission to consider the drafting of an additional protocol to prevent, suppress and punish trafficking in human organs. A number of speakers also supported the holding of the World Summit of Attorneys General in Guatemala in February 2004, with a view to drawing up a coordinated plan for the efficient combating of transnational organized crime for the practical use of public prosecutors around the world.

69. Given the connections between money-laundering and transnational organized crime and other related criminal activities such as corruption and terrorism, the view was expressed that a United Nations convention against money-laundering should be drafted in order to further strengthen international cooperation in preventing and combating money-laundering and to complement other existing individual and international initiatives.

70. The representative of Brazil, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, called for strengthening and expansion of the Global Programme against Money-Laundering and the further development and strengthening of the international regime against money-laundering under the aegis of the United Nations.

2. Negotiation of an international convention against corruption

71. A number of speakers welcomed the invitation by the Council of Public Prosecution Departments of Central America to be represented at the World Summit of Attorneys General, to be held in Antigua, Guatemala, from 2 to 5 February 2004.

72. Many speakers stressed the importance of international cooperation in the fight against corruption, emphasizing that corrupt practices had a negative impact on sustainable development and social stability and required a unified approach from the global community. In that regard, a number of speakers noted the considerable progress made by the Ad Hoc Committee for the Negotiation of a Convention against Corruption and called for further efforts to finalize its work, so that the new instrument could be approved by the General Assembly and submitted to a high-level signing conference by the end of 2003. It was stressed by a number of speakers that any future convention against corruption should be a comprehensive and multidisciplinary instrument. Bearing that in mind, reference was made to a wide range of areas that would require a spirit of compromise in order to achieve consensus in the Ad Hoc Committee, including the issue of definitions, the scope of application of the future convention, the inclusion of measures to prevent corruption, criminalization, asset recovery, measures for international cooperation and appropriate monitoring and follow-up mechanisms. National and regional

efforts, including the African Union Convention on Preventing and Combating Corruption, adopted in 2002, and the Inter-American Convention against Corruption (E/1996/99, annex), were outlined by some speakers in order to share their experience in fighting corruption. In that respect, it was emphasized that the future convention against corruption should be consistent with existing instruments against corruption, allowing as many States as possible to ratify the instrument.

73. Most speakers reiterated their strong commitment to the successful completion of the work of the Ad Hoc Committee. The representative of France pledged a voluntary contribution of $55,000 to facilitate the participation of least developed countries at the sixth session of the Ad Hoc Committee. A number of speakers expressed gratitude to the Government of Mexico for proposing to host a high-level political conference for the purpose of signing the United Nations Convention against Corruption. The representative of Mexico cordially invited all Member States to the conference, to be held in Merida from 9 to 11 December 2003.

3. International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

74. Several speakers stressed the seriousness of the crime of kidnapping, its connections with the activities of organized criminal groups and terrorist groups and its particular manifestation in periods of civil conflict. It was pointed out that kidnapping had assumed serious proportions in some States. In that respect, one State badly affected by the problem provided a detailed overview of the nature and extent of kidnapping in its jurisdiction, its connections with organized criminal groups and terrorist groups and measures being taken to counter it. Several other speakers also outlined the measures being taken by the authorities in their respective countries to counter kidnapping and to assist victims, including law enforcement training, cooperation between various security, policing and prosecution agencies, improved intelligence-gathering and the implementation of victim support programmes. With respect to victims of kidnapping, a number of speakers highlighted the serious impact that kidnapping had on individuals and their families, with an array of social, psychological and economic consequences being described.

75. With due regard to the impact of kidnapping, several speakers expressed solidarity with countries with serious problems of kidnapping and underscored the importance of more effective regional and international cooperation in countering it. It was pointed out by some speakers, however, that while greater international cooperation was required to counter kidnapping, existing measures, such as those provided for by the Organized Crime Convention, were adequate for the purpose. Accordingly, States were urged to ratify the Convention and its Protocols so as to ensure their widespread application. It was also reiterated that identifying best practices in preventing and countering kidnapping was critical to confronting the problem effectively. In that regard, several speakers welcomed the initiatives taken by the Secretariat in developing a counter-kidnapping pilot project.

4. Trafficking in protected species of wild flora and fauna and illicit access to genetic resources

76. A number of speakers highlighted the seriousness of trafficking in protected species of wild flora and fauna, expressing concern at the environmental, economic, social and scientific consequences of that practice. Several representatives drew

attention to a range of domestic legislative and enforcement measures currently being implemented to combat trafficking in protected species of wild flora and fauna. Most speakers supported the need for enhanced international cooperation and mutual legal assistance in preventing, combating and eradicating such illicit activities. One speaker emphasized the need for a comprehensive approach, including education and awareness-raising, as well as the need to avoid duplication of effort through close cooperation among international organizations.

77. Regarding illicit access to genetic resources, one speaker stressed the need to further promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources, in line with the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, adopted by the Conference of the Parties to the Convention on Biological Diversity in its decision VI/24, and with the Plan of Implementation of the World Summit on Sustainable Development.[35] Another speaker pointed out that the secretariat of the Convention on Biological Diversity,[36] the Food and Agriculture Organization of the United Nations and the World Intellectual Property Organization were actively engaged in looking at the issues connected with genetic resources, which involved intellectual property rights, contractual law and environmental protection. That speaker questioned the contribution the Secretariat could make in that field and encouraged it to focus on the illegal trade in endangered species.

78. The observer for the League of Arab States stated that the Arab countries joined the consensus on the draft resolutions before the Commission dealing with combating transnational organized crime, in particular the draft resolution entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto" (E/CN.15/2003/L.15). In that connection he referred to the note verbale dated 25 March 2003 from the Council of Arab Ministers of the Interior to the Commission on Crime Prevention and Criminal Justice (E/CN.15/2003/L.4) concerning its request to the Commission to consider the drafting of an international protocol to prevent, suppress and punish trafficking in human organs, in line with the three Protocols supplementing the Organized Crime Convention. He indicated that, following consultations during the current session of the Commission, it appeared that there was a need to consult further with representatives of Member States, and relevant intergovernmental and non-governmental organizations on the possibility of submitting a draft resolution calling for the negotiation of such a protocol to the Commission at its thirteenth session, in 2004.

B. Action taken by the Commission

79. At its 15th meeting, on 22 May, the Commission recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly entitled "International cooperation in the fight against

[35] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[36] See United Nations Environment Programme, *Convention on Biological Diversity* (Environmental Law and Institution Programme Activity Centre), June 1992.

transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", sponsored by Australia, Canada, Croatia, Greece (on behalf of the European Union), India, Japan, Jordan, Nigeria, Peru, Turkey, Ukraine and the United States of America (E/CN.15/2003/L.15). (For the text, see chapter I, section A, draft resolution II.)

80. Also at its 15th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Prevention of urban crime", sponsored by Afghanistan, Australia, Austria, Argentina, Bolivia, Brazil, Cameroon, Canada, Chile, China, Côte d'Ivoire, the Czech Republic, Ecuador, El Salvador, France, the Gambia, Guatemala, Greece, Hungary, Italy, Jordan, Kuwait, Mexico, Morocco, Namibia, Nigeria, Pakistan, Paraguay, Peru, Portugal, Spain and Venezuela (E/CN.15/2003/L.6/Rev.1). (For the text, see chapter I, section B, draft resolution III.)

81. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Trafficking in protected species of wild flora and fauna", sponsored by Bolivia, Brazil, Chile, China, Ecuador, El Salvador, Guatemala, Hungary, Iran (Islamic Republic of), Italy, Namibia, Oman, Paraguay, Peru, Saudi Arabia, South Africa, Turkey, Venezuela and Yemen (E/CN.15/2003/L.11/Rev.1). (For the text, see chapter I, section B, draft resolution IV).

82. At the same meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance for the victims", sponsored by Algeria, Bolivia, Chile, Colombia, Ecuador, El Salvador, France, Guatemala, Peru, Spain, the Sudan, Turkey and Uganda (E/CN.15/2003/L.13/Rev.1). (For the text, see chapter I, section B, draft resolution V.)

Chapter V

Strengthening international cooperation and technical assistance in preventing and combating terrorism

83. At its 7th to 9th meetings, on 16 and 19 May, the Commission on Crime Prevention and Criminal Justice considered item 6 of its agenda. It had before it the following documents:

(a) Report of the Secretary-General on strengthening the Terrorism Prevention Branch of the Secretariat (A/57/152 and Corr.1, A/57/152/Add.1 and Corr.1 and 2 and A/57/152/Add.2);

(b) Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism (E/CN.15/2003/9);

(c) Report of the Executive Director on the proceedings of the Symposium: "Combating international terrorism: the contribution of the United Nations", held in Vienna on 3 and 4 June 2002 (SYMP/TERR/3/Rev.1).

84. Following an introductory statement made by the Director of the Centre for International Crime Prevention, the Commission heard statements by the representatives of Algeria, China, Colombia, Croatia, El Salvador, Ethiopia, France, Germany, Greece (on behalf of the European Union and the acceding and associated countries), India, Indonesia, the Islamic Republic of Iran, Japan, Mexico, Pakistan, Peru, Poland, the Republic of Korea, the Russian Federation, Saudi Arabia, the Sudan, the United States and Zimbabwe (on behalf of the Group of African States). The Commission also heard statements by the observers for Australia, Canada, Cuba, Kuwait, Mali, Morocco, Sri Lanka, Turkey, Ukraine and Yemen. The observers for the Asia-Pacific Economic Cooperation, the Council of Europe, the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001), the International Maritime Organization, the International Monetary Fund and the League of Arab States also made statements.

A. Deliberations

85. The Director of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime explained the developments in terrorism prevention activities carried out by the Centre in close cooperation with other United Nations entities. He highlighted the launching of the Global Programme against Terrorism and the strengthening of the Terrorism Prevention Branch. He also expressed gratitude to the Commission for its support for the Centre's terrorism prevention activities. Information on technical assistance activities was provided by a representative of the Secretariat. A presentation was also made outlining the implementation of the Global Programme against Terrorism and the legal technical assistance being provided to Member States, upon request, for the ratification and implementation of the 12 universal conventions and protocols related to the prevention and suppression of international terrorism.

86. After a presentation made by the representative of Indonesia on the latest developments in the investigation of the bombings perpetrated on Bali on

12 October 2002, a number of participants referred to recent terrorist attacks, as well as acts of terrorism committed in their countries. The Chairman expressed, on behalf of the Commission, deepest sympathy at the tragic loss of life in the recent terrorist attacks and condolences for all the victims of terrorism.

87. While most speakers emphasized the threat of international terrorism to democracy, stability and the rule of law, others also stressed the need to address the root causes of terrorism so that international efforts and cooperation would lead to their elimination. No country or region was immune to terrorism and work should be conducted with the United Nations and the international community to combat that scourge. The United Nations constituted the overall framework for global efforts to combat terrorism in accordance with, inter alia, the Charter of the United Nations. The coordinating role of the Policy Working Group on the United Nations and Terrorism was also mentioned. The importance of convening a high-level conference on international terrorism, to be held under the auspices of the United Nations, was also stressed. The suggestion was made that the United Nations should prepare an expert plan aimed at involving combatants and ex-combatants in some form of professional training for normal employment at the conclusion of a peace settlement. Several speakers expressed the view that a clear-cut definition of terrorism was needed in which a distinction should be made between terrorism and the legitimate struggle of peoples for self-determination and resistance against foreign occupation. The view was expressed that double standards in the fight against terrorism should be avoided and that terrorism should not be linked to any specific religious or ethnic group. Some speakers observed that state terrorism, as well as States sponsoring terrorism, should be examined.

88. Many participants noted their Governments' record of participation in the legal regime of existing global and regional instruments related to the prevention and suppression of international terrorism. Several outlined the measures taken in their countries in the prevention of terrorism, including in strengthening legislation, exchange of information among law enforcement agencies and implementation of Security Council resolution 1373 (2001) of 28 September 2001, including in the suppression of the financing of terrorism. Some speakers also described the challenges they faced in combating terrorism, including in obtaining the financial resources needed. States that were not yet parties to the universal legal instruments were encouraged to accede to them as soon as possible. Speakers also supported the work against international terrorism carried out within the framework of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, in particular the work on the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism. It was also stressed that the prompt ratification and implementation of the provisions of the Organized Crime Convention was a critical factor in strengthening the legal framework against terrorism.

89. Numerous representatives welcomed the measures taken by the General Assembly to strengthen the Terrorism Prevention Branch. Broad support was also expressed for the revised and strengthened programme of work of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, in particular the launching of the Global Programme against Terrorism. In that connection, the representative of Germany announced a contribution of €100,000 to the Global Programme. The representative of France announced his country's

support for the Global Programme, both through an in-kind contribution for the preparation of a guide on the implementation of the international conventions and protocols related to terrorism for French-speaking countries and by a contribution of $245,000 in support of technical assistance activities. The representative of Canada stated that his Government was considering a contribution to the project on strengthening the legal regime against terrorism.

90. It was noted that the main elements of effective action by the Centre should include raising awareness of the relevant international instruments, as well as providing technical assistance to Member States, upon request, for their implementation. Many speakers, including the Minister of Justice of Mali, commended the work already conducted by the Centre in that regard.

91. While some speakers expressed the view that the focus of the work of the United Nations Office on Drugs and Crime should remain on assisting countries in need of legal reform to bring national legislation in line with the requirements of the 12 conventions, others noted that the programme of work as outlined in the report of the Secretary-General should be followed in full. Others again noted that activities should go beyond promotion of ratification and include assistance for the implementation of the relevant instruments by supporting activities such as training, setting up national bodies and provision of equipment. It was also noted that that work should not be to the detriment of other programmes of the Centre.

92. Many participants emphasized the crucial role of enhanced international cooperation. One delegation recommended that technical assistance activities should include preparing model agreements and legislative guides on mutual assistance and extradition. A number of speakers stated that international cooperation in combating terrorism needed to be strengthened through international instruments, in full respect of human rights. One speaker noted that the greatest difficulty encountered in the implementation of international conventions was the frequent refusal by Governments to extradite perpetrators of terrorist acts. In that regard, it was pointed out that in its resolution 1373 (2001) the Security Council clearly stipulated that claims of political motivation were not recognized as grounds for refusing requests for the extradition of alleged terrorists. The view was also expressed that in order to combat terrorism effectively, States must ensure that refugee status was not abused. One speaker expressed the need to develop a model treaty on international cooperation on preventing and combating terrorism, as well as to study the links between terrorism and organized crime and the financing of terrorism with a view to developing a database on relevant strategies to counter the financing of terrorism.

93. The importance of cooperation with regional and international organizations was also stressed, as was the need for information exchange and close cooperation at the operational level. Some speakers specifically referred to their work with the relevant regional organizations, while measures to combat terrorism taken at the regional level were also outlined. The representative of Zimbabwe, speaking on behalf of the Group of African States, and the Minister for Magrebian and African Affairs of Algeria, speaking on behalf of the African Union, noted that as part of the Action Plan adopted by the High-level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, held in Algiers from 11 to 14 September 2002, the African Union, in close cooperation with the Algerian authorities, was pursuing the establishment of an African Centre For Research and Studies on Terrorism, to be based in Algiers, and called for the necessary resources. The

representative of Greece (on behalf of the European Union and the acceding and associated countries) declared the fight against terrorism to be a priority goal of the European Union and outlined its activities in all areas related to the fight against terrorism, as well as in the provision of technical assistance to third countries. It was further stressed that judicial cooperation between European Union member States in this area was facilitated by the European arrest warrant. The representatives of the Asia-Pacific Economic Cooperation, the Council of Europe and the League of Arab States provided examples of activities carried out by their organizations in terrorism prevention strategies. The observer for the International Monetary Fund described the joint activities and missions organized together with the United Nations Office on Drugs and Crime. The observer for the International Maritime Organization emphasized the need to promote technical cooperation and assistance and to establish an environment in which synergies among all organizations could flourish.

94. Numerous delegations expressed the view that the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime and its Terrorism Prevention Branch were playing an effective and complementary role in the overall efforts of the United Nations in fighting terrorism. The emphasis of the United Nations Office on Drugs and Crime on working closely with the Counter-Terrorism Committee was particularly welcomed. In that regard, the representative of the Counter-Terrorism Committee stated that the Centre for International Crime Prevention worked closely, and cooperatively, with the Committee to ensure that appropriate legislative drafting assistance programmes were developed to respond to the needs identified as a priority for each Member State. He looked forward to further strengthening of the cooperation that existed between the Counter-Terrorism Committee and the United Nations Office on Drugs and Crime.

B. Action taken by the Commission

95 At its 15th meeting, on 22 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the Centre for International Crime Prevention", sponsored by Australia, Bulgaria, Cameroon, Canada, Chile, Colombia, Croatia, El Salvador, Greece (on behalf of the European Union), Hungary, India, Indonesia, Kuwait, Malaysia, Pakistan, Paraguay, Peru, the Philippines, Saudi Arabia, Slovakia, Sri Lanka, Switzerland, Turkey, Ukraine, Uganda, the United States of America and Yemen (E/CN.15/2003/L.9/Rev.1). (For the text, see chapter I, section A, draft resolution III.)

Chapter VI

Use and application of United Nations standards and norms in crime prevention and criminal justice

96. At its 9th and 10th meetings, on 19 May, the Commission on Crime Prevention and Criminal Justice considered item 7 of its agenda. It had before it the report of the Secretary-General on standards and norms in crime prevention and criminal justice (E/CN.15/2003/10 and Add.1 and 2).

97. At its 9th meeting, following an introductory statement by the Director of the Centre for International Crime Prevention, the Commission heard statements by Canada, Greece (on behalf of the European Union and the acceding and associated countries) and the observer for the Asia Crime Prevention Foundation.

98. At its 10th meeting, the Commission heard statements by the representatives of Algeria, Austria, Uganda and the United States. The Commission also heard statements by the observer for Turkey and the observers for the European Institute for Crime Prevention and Control, affiliated with the United Nations, the American Society of Criminology, Amnesty International, the Friends World Committee for Consultation, the International Commission of Catholic Prison Pastoral Care and the World Society of Victimology.

A. Deliberations

99. In his opening statement, the Director of the Centre for International Crime Prevention noted that it had long been recognized by the Commission that the standards and norms in crime prevention and criminal justice developed largely by consensus and adopted by the United Nations over the years were an invaluable source of guidance to various countries in their efforts to assess their crime prevention and criminal justice reform needs. They represented a set of basic principles serving to upgrade national practice and harmonize legislative provisions. The report of the Secretary-General (E/CN.15/2003/10 and Add.2) before the Commission contained information on action taken by Member States on the use and application of certain standards and norms that had recently been recommended by the Commission. He recalled the recommendation of the Office of Internal Oversight Services of the Secretariat to the effect that the Centre should, upon completion of the first cycle of reporting on the use and application of United Nations standards and norms, propose to the Commission, at its twelfth session, a revised mechanism for reporting on their use and application that would minimize the reporting burden. In that connection, he referred to the conclusions and recommendations of the Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice (see E/CN.15/2003/10/Add.1). The Director expressed gratitude to the Governments of Austria, Canada and Germany for their support in organizing the Meeting. In conclusion, he emphasized the need for the Commission to make specific recommendations on the proposed revised mechanism for reporting on the use and application of the standards and norms, as that task might be facilitated by the various recommendations contained in the reports before the Commission.

100. During the debate, participants emphasized the importance of the use and application of United Nations standards and norms as a positive step towards addressing crime prevention and criminal justice in an effective manner. It was noted that the standards and norms served to harmonize legislation and aimed at providing a unified response to crime-related problems. They were considered indispensable tools towards a more effective administration of justice and an international community less threatened by crime. They should therefore continue to be accorded high priority by the Commission, including periodic reviews of their use and application. The value of the standards and norms in training programmes of national institutions and non-governmental organizations was also worth further consideration in the context of peace-building and peacekeeping operations.

101. Commenting on the viability and significance of the standards and norms, it was noted that the Commission and the United Nations congresses had developed the instruments, ranging from the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 (XXIV), annex), adopted over 50 years ago, to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), Basic Principles on the Independence of the Judiciary,[37] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (Assembly resolution 45/112, annex), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex), the Guidelines on the Role of Prosecutors,[38] the Basic Principles on the Role of Lawyers,[39] the safeguards guaranteeing protection of the rights of those facing the death penalty (Council resolution 1984/50, annex), the basic principles on the use of restorative justice programmes in criminal matters (Council resolution 2002/12, annex) and the Guidelines for the Prevention of Crime (Council resolution 2002/13, annex). That body of principles influenced government practices and contributed to the development of more workable crime prevention and criminal justice policies. The role of the United Nations in that field was considered indispensable, as it was the only universal organization that could provide a global perspective, also mobilizing the support of intergovernmental and non-governmental organizations. Some speakers stressed the need to use the principles as a tool to develop an effective crime prevention and criminal justice policy to respond to the increasingly transnational nature of crime, which had negative consequences for the political, social and economic stability of countries. Therefore, such standards and norms should be considered the foundation for the reform of criminal justice systems, in particular in developing viable approaches to alternatives to imprisonment, the prevention of juvenile delinquency, the protection of victims, the training of law enforcement officials, the judiciary and correctional personnel and the prevention of violence against women and their treatment by the criminal justice system. The

[37] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[38] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex.

[39] Ibid., sect. B.3, annex.

efforts of the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the United Nations Interregional Crime and Justice Research Institute in the field of combating violence against women were acknowledged. The international survey on violence against women being developed and the statistics that were expected to result from it would facilitate the development of appropriate policies in line with the internationally recognized instruments related to that problem. Member States should be encouraged to participate in the international survey and to consider the possibility of providing financial assistance for it.

102. The role of the Commission in promoting the use and application of the standards and norms was considered essential. As the principal United Nations body providing guidance in the field of crime prevention and criminal justice, the Commission was duty-bound to pursue its role in promoting the rule of law and criminal justice reform. It should also ensure the existence of a workable reporting system by States, so as to enrich the exchange of information and experience on problems encountered and successes achieved. The reporting requirements should not be seen as a burden on Member States, but rather as a yardstick against which they could assess the progress made in introducing innovative approaches in their laws and practice.

103. A number of participants informed the Commission of their experience in the use and application of the standards and norms and highlighted reform efforts undertaken in response to the principles contained in the instruments, which had led to the upgrading of criminal justice capacity to cope with the challenges of crime and to protect their societies with due observance of human rights and fundamental freedoms. An integrated approach should be pursued by aligning all relevant human rights instruments with those dealing with criminal justice matters. Emphasis was placed on ensuring the quality of access to justice, the rights of the accused during the various stages of criminal proceedings and ensuring compensation of victims for damage done. Other participants reported that efforts would continue to be made in order to reform their penal codes in line with newly emerging standards and norms, thus ensuring up-to-date legislation that would enable the criminal justice system to respond to new challenges. Efforts to undertake prison reform and the development of new legislation and measures designed to create better conditions for prisoners to facilitate their rehabilitation and reintegration into society were being pursued. It was also noted that the United Nations should place great emphasis on the interrelationship between human rights and the criminal justice aspects of standards and norms, for example by setting out more explicitly the fundamental rights of prisoners, focusing on the gender perspective, alleviation of poverty and access to justice as cross-cutting priorities. Efforts were also being made to provide convicted juvenile offenders with education and training, as well as social services for children in need of care and protection.

104. The view was expressed that the intense debate on crime policy had taken a new turn as a result of rising taxes and the decline in public services. Policy makers were being presented with difficult choices, which would determine the infrastructure of States and the future of crime prevention and criminal justice policies. Violent crimes, such as murder, rape, robbery and assault, were considered to have serious negative effects on the internal security and peace of societies. Experience showed that existing prevention programmes had proved to be effective

in reducing the amount of harm that violent crime generated. Equally important was the tendency to resort to alternatives to imprisonment in order to redirect available resources from incarceration programmes.

105. It was noted that, in view of the interrelationship between crime and development, changes in economic and social structures should be accompanied by appropriate reforms in criminal justice, so as to ensure the responsiveness of the penal system to the basic values and goals of society. Policies on crime prevention and criminal justice should take into account the structural causes of injustice, including socio-economic causes of which criminality was often merely a symptom. In that regard, it was suggested that an integrated approach should be pursued and properly implemented on the basis of a combination of various factors, including fair policies in criminal justice. Research, data collection and analysis of crime trends and the performance of criminal justice should be undertaken regularly since the results would be of assistance in the formulation and implementation of policy, using, as appropriate, United Nations standards and norms.

106. Initiatives such as the development of guidelines on the role of criminal law in the protection of the environment and on simplifying extradition procedures, enhancing the role of prosecutors by harmonizing practices of civil and common law countries, together with the organization of workshops focusing on the role of the criminal justice system in alleviating extreme poverty, had been undertaken. Exchange of information on experience through the Internet was highlighted, in particular as regards best practices and successful endeavours in reducing victimization. The Eleventh United Nations Congress on Crime Prevention and Criminal Justice would also be an opportunity for Member States to exchange such experience at the international level.

107. The efforts of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime in organizing the Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice in response to Economic and Social Council resolution 2002/15 of 24 July 2002 were commended (see E/CN.15/2003/10/Add.1). The Meeting brought together experts from various regions of the world to evaluate the results achieved and the progress made in the application of existing United Nations standards and norms, to review the present system of reporting, to assess the advantages to be expected in using a cross-sectoral approach and to make concrete proposals to be considered by the Commission. The Meeting was seen as a timely initiative and its recommendations would serve as the basis for action by the Commission and future activities of the Centre on the subject. It was noted, however, that the implementation of such recommendations might necessitate additional resources, which might not be available owing to budgetary constraints. It was therefore recommended that the implications of the recommendations of the Meeting should be carefully examined, taking into account that it might be possible to implement some of the recommendations using existing resources.

108. The Centre for International Crime Prevention was called upon to continue providing technical assistance and advisory services, in particular training in the application of the standards and norms. It should also establish close collaborative ties with the World Health Organization, especially in combating violence and the protection of victims, as well as with other relevant intergovernmental and non-

governmental organizations, so as to ensure coordination of efforts and to maximize the use of resources.

B. Action taken by the Commission

109. At its 15th meeting, on 22 May, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "Prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property", sponsored by Bolivia, Colombia, Ecuador, El Salvador, Greece, Guatemala, Iran (Islamic Republic of), Italy, Jordan, Kuwait, Lebanon, Namibia, Nigeria, Peru, Saudi Arabia, Slovakia, Spain, the Syrian Arab Republic, Venezuela and Yemen (E/CN.15/2003/L.12). (For the text, see chapter I, section B, draft resolution VI.)

110. Also at its 15th meeting, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "United Nations standards and norms in crime prevention and criminal justice", sponsored by Algeria, Angola, Argentina, Austria, Cameroon, Canada, Costa Rica, Finland, France, the Gambia, Germany, Greece, Italy, Jordan, Hungary, Kuwait, Namibia, Nigeria, Portugal, Slovakia, South Africa, the United Arab Emirates and Uganda (E/CN.15/2003/L.17/Rev.1). (For the text, see chapter I, section B, draft resolution VII.)

Chapter VII

Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

111. At its 11th meeting, on 20 May, the Commission on Crime Prevention and Criminal Justice considered item 8 of its agenda. It had before it the report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2003/11 and Corr.1 and Add.1 and 2).

112. Following an introductory statement by the Director of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, the Commission heard statements by the representatives of the United States and Zimbabwe (on behalf of the Group of African States) and by the observers for Australia, Canada, Thailand and Venezuela. The Commission also heard statements by the representatives of the Asia Crime Prevention Foundation, the Academy of Criminal Justice Sciences, the American Society of Criminology and the International Scientific and Professional Advisory Council.

A. Deliberations

113. The Director of the Centre for International Crime Prevention introduced the item by expressing his gratitude to Member States, intergovernmental and non-governmental organizations and other entities for providing comments on the substantive agenda items and workshop topics for the Eleventh Congress as reflected in the report of the Secretary-General on preparations for the Congress (E/CN.15/2003/11 and Corr.1 and Add.1 and 2). He stated that, in accordance with General Assembly resolution 57/171 of 18 December 2002, the Commission was expected to finalize the programme for the Eleventh Congress by making final recommendations on the substantive agenda items, the workshop topics and the documentation for the Congress, including the preparation of a discussion guide for the regional preparatory meetings for the Congress. In that connection, he informed the Commission that, in response to General Assembly resolutions 56/119 of 19 December 2001 and 57/171, the Secretariat would organize the regional preparatory meetings during the first quarter of 2004, with the objective of facilitating an exchange of views and experience on the various issues to be discussed at the Congress, as well as to identify regional priorities and concerns. In conclusion, he stressed the need for careful and sustained preparation at all levels, involving Governments, intergovernmental and non-governmental organizations and other relevant entities. In undertaking such a task, the guidance of the Commission was required.

114. On behalf of the Group of African States, the representative of Zimbabwe welcomed the report of the Secretary-General on the preparations for the Eleventh Congress and the draft resolution submitted by Thailand as host of the Congress. In that connection, the attention of the Commission was drawn to the views of the African Union on the substantive agenda items and the workshop topics, as reflected in section IV of the report of the Secretary-General. The representative highlighted the importance for the regional preparatory meetings to make action-oriented

recommendations and to identify policy options from regional perspectives, which would make a major contribution to the success of the Congress. In conclusion, he encouraged donor countries to cooperate with developing countries, in particular the least developed countries, to ensure their full participation in the preparatory process and the Congress itself.

115. In highlighting the importance of the United Nations congresses on crime prevention and criminal justice, reference was made to the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Versailles, France, in November 1991, at which the role of the congresses was defined, focusing on exchanging views between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines, the exchange of experience in research, law and policy development and the provision of advice. The achievements of past congresses were also highlighted, in particular in adopting internationally recognized standards and norms in crime prevention and criminal justice. With respect to future congresses, it was recommended that a small number of plenary sessions on specific topics be held, with a slightly longer period of time allocated to a high-level segment discussion, so as to raise the profile of international criminal justice issues within the political arena. The recommendations of the congresses should be adopted in the form of a declaration at the end of the high-level segment. The importance of holding intersessional meetings to support the preparations for the Congress was stressed.

116. The workshops were considered the main resource in terms of exchange of information and identification of new trends and best practices. Adequate time should be allocated to the workshops to allow for practical presentations and a focused and dynamic discussion and exchange of information on precise and well-delineated issues. The institutes of the United Nations Crime Prevention and Criminal Justice Programme network should be fully involved in the organization of the workshops, as they had the capability and the knowledge required for those events. In particular, the Commission was informed that the International Centre for Criminal Law Reform and Criminal Justice Policy would be ready to play a role in relation to the workshop dealing with restorative justice and that the International Centre for the Prevention of Crime would play a similar role in relation to the workshop on crime prevention. The involvement of the Australian Institute of Criminology in the organization of the workshops was also anticipated.

117. Satisfaction was expressed with the fact that the Congress would continue its past practice of holding ancillary meetings of non-governmental and professional organizations. The representative of the International Scientific and Professional Advisory Council stated in that regard that the Council would be prepared to assist the Secretariat with the coordination and organization of such meetings, given the Council's past involvement in that regard. He recalled the experience of the Tenth Congress, where 35 ancillary meetings were held, providing an opportunity for sharing of experience and information on various matters of crime prevention and criminal justice. Similarly, the representative of the American Society of Criminology expressed support for the Congress and readiness to contribute substantively to the events, through its scholars interested in international and transnational criminal justice issues, recognizing the professional obligation to participate fully and responsibly in relevant world criminal justice forums. The

representative of the Asia Crime Prevention Foundation suggested that a "partnership fair" could be held, where the private sector could pursue common interests and plan joint ventures, stressing the importance of the preparatory steps leading to the Congress, with the criminal justice community. The representative of the Academy of Criminal Justice Sciences stated that focus should be on a multi-faceted approach, not only to address crime through the police, the judiciary and correctional institutions, but also through preventive efforts in order to make major strides to prevent crime. Consequently, the Congress should pay particular attention to preventive measures and restorative justice. The Academy was ready to contribute to the deliberations at the Congress on those matters.

118. Referring to the report of the Secretary-General, the representative of Thailand expressed appreciation for the valuable and constructive views and recommendations of Member States and a number of specialized agencies, United Nations programmes and intergovernmental and non-governmental organizations reflected in the report. He also informed the Commission that, as host of the Eleventh Congress, the Government of Thailand had established a national committee, headed by the Deputy Prime Minister. The national committee, composed of representatives of high-level authorities, would ensure the success of the organizational arrangements to be put in place for the Eleventh Congress. On the occasion of the thirteenth session of the Commission, a visual presentation of the conference venue and other available facilities would be made. Speakers expressed their appreciation to the Government of Thailand for offering to host the Congress and for submitting a draft resolution on the preparations for that event, in which relevant topics for the substantive agenda items and workshop issues were identified.

119. The necessity for the cooperation of all Member States in the preparation of the Congress was highlighted, together with the role of the Secretariat in assisting with the preparation of the required documentation, the rules of procedure and public information programmes. In that regard, the view was expressed that such tasks should be carried out within the existing resources allocated for the Congress.

120. At the conclusion of the discussion, the Director of the Centre for International Crime Prevention reaffirmed that preparations for the Eleventh Congress would be carried out in the most cost-effective manner. He informed the Commission that relevant budgetary provisions would be included in the proposed programme budget for the biennium 2004-2005. He recalled the appeal of the representative of Zimbabwe on behalf of the Group of African States to assist the least developed countries to participate in the regional preparatory meetings and in the Congress itself. Commenting on the organization of ancillary meetings, he recalled the experience of previous congresses, in particular the Eighth, Ninth and Tenth Congresses, where exhibitions and similar events had been organized involving Governments, the institutes and the private sector. He recommended that the results of the ancillary meetings and other major events held at the congresses should be reflected in the proceedings of the Congress. In conclusion, he welcomed the support expressed by representatives of Governments, the institutes and non-governmental organizations for the successful preparation of the Eleventh Congress.

B. Action taken by the Commission

121. At its 15th meeting, on 22 May, the Commission recommended to the Economic and Social Council the approval of a revised draft resolution for adoption by the General Assembly entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice", sponsored by Algeria, Bolivia, China, Colombia, Croatia, Ecuador, El Salvador, France, Indonesia, Iran (Islamic Republic of), Italy, Japan, Malaysia, the Netherlands, Peru, the Philippines, the Republic of Korea, Thailand, Turkey, Uganda, Ukraine and Venezuela (E/CN.15/2003/L.8/Rev.1). (For the text, see chapter I, section A, draft resolution IV.) Before the approval of the draft resolution, the Secretariat made a financial statement, the text of which is contained in annex III.

Chapter VIII

Strategic management and programme questions

122. At its 13th meeting, on 21 May, the Commission on Crime Prevention and Criminal Justice considered item 9 of its agenda. It had before it the following documents:

(a) Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2003/2);

(b) Note by the Secretariat on the proposed programme of work in crime prevention and criminal justice for the biennium 2004-2005 (E/CN.15/2003/12);

(c) Note by the Secretary-General on nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute (E/CN.15/2003/13).

123. Also at its 13th meeting, following an introductory statement by the Director of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, the Commission heard statements by the representatives of Australia, Germany, Greece, Japan, the Netherlands, Peru and the United States.

A. Deliberations

124. The Director of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime stressed the importance of the intersessional work of the Commission, carried out through the bureau and the meetings of permanent representatives. Recalling that the Economic and Social Council, in its resolution 1999/51 of 29 July 1999, had invited the functional commissions to implement multi-year programmes of work, he noted that "The rule of law and development: the contribution of operational activities in crime prevention and criminal justice" had already been approved as the topic for thematic discussion at the thirteenth session of the Commission, in 2004. In selecting a prominent theme for the fourteenth session, in 2005, it would be important to bear in mind that at that session the Commission would also be considering the outcome of the Eleventh Congress. He noted that the proposed programme of work in crime prevention and criminal justice for the biennium 2004-2005 contained the activities proposed with the objective of reaching the goals set in programme 12, Crime prevention and criminal justice, of the revised medium-term plan for the period 2002-2005. Those proposals reflected the focus of the Centre's work and scarce resources on the priorities established in the medium-term plan. In inviting the comments of the Commission on the proposed programme of work, the Director noted that its views would be submitted to the Committee for Programme and Coordination and the Advisory Committee on Administrative and Budgetary Questions. He informed the Commission that the Secretariat would soon be initiating the preparation of proposals for the medium-term plan for the period 2006-2009, on the basis of the pertinent mandates established by the intergovernmental bodies, and invited the Commission to make recommendations with respect to the preparation of the draft text for the programme on crime prevention and criminal justice, which would be submitted to the Commission for review at its thirteenth session, in 2004. The

Director also noted that the Commission, at its current session, was required to nominate two members to the Board of Directors of the United Nations Interregional Crime and Justice Research Institute.

125. Speakers reiterated the importance of early submission of draft proposals for consideration by the Commission, in compliance with the provisions of its resolution 5/3. In particular, that would enable early consideration of the proposals and their possible consolidation, as well as the efficient use of the time at the disposal of the Commission. It was suggested that serious consideration should be given to the duration of the sessions of the Commission and that a session should be concluded when discussion of the items on its agenda had been completed. Many speakers suggested "Domestic violence" as a topic for the thematic discussion at one of the forthcoming sessions of the Commission. Envisioned in a comprehensive perspective encompassing not only domestic violence against women but also violence against children, the elderly and men, as well as measures for effectively addressing the phenomenon, it would be an appropriate follow-up to the work that the Commission had previously undertaken on the topic and related themes. One participant suggested "Transnational organized crime and terrorism: links, concepts and international response" and "Money-laundering, financing of criminal activities and terrorism" as possible themes for the fourteenth and fifteenth sessions, respectively. It was also suggested that increased attention should be given by the Commission in future to issues relating to human security and the prevention of urban crime and that this should be taken into account in preparing the medium-term plan for the period 2005-2009.

126. Speakers noted that the proposed programme of work for the biennium 2004-2005 duly reflected the mandates of the United Nations Crime Prevention and Criminal Justice Programme, as established in the medium-term plan for the period 2002-2005 and the decisions of the intergovernmental bodies, and that it further reiterated the Programme's strategic vision and orientation. The increase in technical assistance activities was particularly welcomed as a positive evolution of the Centre as a vibrant entity providing practical assistance leading to measurable results. It was stressed that the Centre should maintain its focus on providing and facilitating technical assistance in criminal justice issues, as it had a unique position as an international institution capable of brokering such assistance in that critical field and commanding a level of respect intrinsically granted only to the United Nations. Technical assistance activities were vital for facilitating the universal implementation of the highly developed standards for criminal justice institutions, including the conventions drafted under the auspices of the Programme. They would also be a very effective means of increasing the Centre's public image and visibility because they were easily identifiable and appreciated by broad segments of the public.

127. The view was expressed that the plans of action for implementing the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century were a useful guide as far as long-term objectives and goals of the Programme were concerned, whereas prioritization was required for the short term. It was observed that the outputs listed in the proposed programme of work would need to be updated to include reports requested by the Commission at its twelfth session.

B. Action taken by the Commission

128. At its 15th meeting, on 22 May, the Commission recommended to the Economic and Social Council the adoption of a revised draft resolution entitled "Functioning of the Commission on Crime Prevention and Criminal Justice", sponsored by Australia, Canada, El Salvador, Greece (on behalf of the European Union), Hungary, Japan and the United States of America (E/CN.15/2003/L.3/Rev.1). (For the text, see chapter I, section B, draft resolution VIII.)

129. Also at its 15th meeting, the Commission recommended to the Economic and Social Council the adoption of a draft decision entitled "Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute", submitted by the Chairman (E/CN.15/2003/L.1/Add.6). (For the text, see chapter I, section B, draft decision II.)

Chapter IX

Provisional agenda for the thirteenth session of the Commission

130. At its 13th meeting, on 21 May, the Commission on Crime Prevention and Criminal Justice considered the provisional agenda for its thirteenth session. It had before it a draft decision entitled "Report of the Commission on Crime Prevention and Criminal Justice on its twelfth session and provisional agenda and documentation for its thirteenth session" submitted by the Chairman (E/CN.15/2003/L.1/Add.4). The report was introduced by the Chairman and the Rapporteur and a general discussion was held on the draft provisional agenda for the thirteenth session.

Action taken by the Commission

131. At its 13th meeting, on 21 May, the Commission approved the draft decision for adoption by the Economic and Social Council (E/CN.15/2003/L.1/Add.4). (For the text, see chapter I, section C, draft decision I.)

Chapter X

Adoption of the report of the Commission on its twelfth session

132. At its 15th and 16th meetings, on 22 May 2003, the Commission on Crime Prevention and Criminal Justice adopted by consensus the report on its twelfth session (E/CN.15/2003/L.1 and Add.1-9), as orally amended.

133. After the adoption of the draft report, the chairmen of the regional groups, the chairman of the Group of 77 and China, the representative of the Presidency of the European Union and other representatives who had made statements at the opening of the session requested that a brief summary of their statements highlighting the main policy issues be reflected in the report. Pursuant to that request, a summary of statements appears in chapter XI below.

Chapter XI
Organization of the session

A. Opening and duration of the session

134. The Commission on Crime Prevention and Criminal Justice held its twelfth session in Vienna from 13 to 22 May 2003. The Commission held 16 meetings. The twelfth session of the Commission was opened by the Chairman of the eleventh session. The Executive Director of the United Nations Office on Drugs and Crime, the Chairman of the Group of 77 and China, the Chairman of the Group of African States, the Chairman of the Group of Latin American and Caribbean States, the Minister of Justice of Greece (on behalf of the European Union and the acceding and associated countries), the Minister for Magrebian and African Affairs of Algeria and the representatives of Brazil, China, Croatia, Egypt, the Republic of Korea, the Sudan, the United States and Venezuela addressed the Commission at the opening session.

135. In his opening statement, the Executive Director of the United Nations Office on Drugs and Crime stated that criminal conduct, or what the Secretary-General had more broadly described as "un-civil behaviour", was a typical example of a phenomenon that was constantly shifting and evolving in unpredictable ways. The internationalization of that behaviour, including major terrorist attacks, had been a painful reminder of the need to be constantly alert and to devise effective prevention and control measures. He outlined some of the issues that had led the General Assembly to make the enhancement of human security an integral component of sustainable development in the United Nations Millennium Declaration (General Assembly resolution 55/2), and recognized that the work of the Commission and its secretariat was fully in line with the achievement of that long-term goal. He also outlined the achievements of the Commission since its establishment in 1992 and stated that the Commission should now think about how it could rise to the challenge presented by current and future realities in crime prevention and criminal justice and the needs of States. The Commission should address a chronic ailment of the United Nations Crime Prevention and Criminal Justice Programme, which was the disparity between its mandates and the resources available for their implementation. The number of operational activities in the cr me area was still very modest, compared with those of the United Nations International Drug Control Programme. The Commission needed to reflect on new and innovative ways of addressing that disparity in order to enable the programme to grow and reach its full potential. The demands on the Programme had increased because of its added value and relevance for many States, especially developing countries and countries emerging from conflict. The Executive Director concluded by stressing that it was owed to the people of the world, who demanded more justice and less crime, to spare no effort in ensuring security, integrity and the prevalence of the rule of law. To that end, the commitment and support of the Commission was crucial.

136. The representative of Brazil, speaking on behalf of the Group of 77 and China, stated that the Group considered that the issue of trafficking in persons deserved in-depth consideration by the Commission, in particular in the light of the Trafficking in Persons Protocol. It was imperative for new financial resources to be made available to the Centre for International Crime Prevention of the United Nations

Office on Drugs and Crime to enhance its operational activities and to provide technical assistance, in particular to developing countries. The representative expressed the Group's commitment to the Vienna Declaration, and noted that, despite the activities of the Centre for International Crime Prevention to implement the action plans related thereto (resolution 56/261, annex), there was a need to strengthen those activities. He also expressed the Group's support for the strengthening of the Terrorism Prevention Branch and welcomed the establishment of the Global Programme against Terrorism, which would provide practical assistance to States for accession, ratification and effective implementation of the universal conventions and protocols related to terrorism. The Group recognized the difficulties encountered by the Ad Hoc Committee for the Negotiation of a Convention against Corruption and hoped that the limited time available for the completion of its work would not be detrimental to the quality of the final instrument. He restated the Group's energetic condemnation of kidnapping in all its forms and expressed satisfaction at the efforts made by the Centre in its technical assistance activities in that regard. In conclusion, the representative took note of the report of the meeting of experts on the application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/2003/10/Add.1), which illustrated the importance of applying different mechanisms in order to promote the application of those instruments. The meeting was considered an important means of optimizing the effective implementation of the related mandate from the Economic and Social Council. He recommended the involvement of Member States and the regional groups in the organization of such expert group meetings, as well as in the selection of panellists for the thematic discussions.

137. The representative of Zimbabwe, speaking on behalf of the Group of African States, noted that the root causes of trafficking in persons, and other organized transnational crimes, were poverty, minimal education, unemployment and conflict in Africa. He urged the international community to address those root causes and to provide the necessary technical assistance and cooperation. He welcomed the progress made towards the entry into force of the Organized Crime Convention and referred to a ministerial conference for the African region, held in Algiers in 2002, at which African States had renewed their commitment to the fight against that form of criminality. He sought enhanced technical assistance for the States of the region to support their efforts to ratify and implement the Convention and its Protocols. He noted the progress made in the negotiation of a convention against corruption and drew attention to the fact that the African Union had in September 2002 adopted a Convention on Preventing and Combating Corruption. He stressed the importance of international cooperation in efforts to prevent, combat and punish the crime of kidnapping and noted the regional problems in that regard caused by tribal territorial conflicts. With regard to terrorism, the representative outlined the political commitment of the region to fighting those heinous phenomena and the entry into force of the African Convention on the Prevention and Combating of Terrorism on 6 December 2002. He outlined the efforts of the African Union in that connection, noting that the Union was working in close cooperation with the Algerian authorities to establish the African Centre for Research and Studies on Terrorism, which would develop a database on terrorism and organized crime. He called upon the international community to assist with resources in that regard.

138. The representative of Cuba, speaking on behalf of the Group of Latin American and Caribbean States, noted that the practice of trafficking in persons was

shameful and an affront to civilization, comparable to practices of slavery that had been deplored throughout history. Fighting that scourge was only possible with the cooperation of all States through which human trafficking and related crimes occurred. It was necessary to work together with a multidisciplinary approach and at the same time to provide the necessary support and attention to victims. The Group reiterated its condemnation of all forms of terrorism and its call for cooperation in combating such acts in the context of international law and with full respect for human rights. He expressed the Group's satisfaction for the increase in staff of the Terrorism Prevention Branch and looked forward to the Centre's strengthened role in providing assistance and cooperation in the fight against terrorism. As regards the United Nations standards and norms in crime prevention and criminal justice, the Group supported the efforts to promote the application of those international standards. It was vital to work together with other United Nations entities and intergovernmental and non-governmental organizations in order to better disseminate the standards and norms. The representative called attention to the need to establish common standards for the recovery and return of stolen assets, which were part of the cultural heritage of peoples. He stated that it was necessary to exhort States to take into account the Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Moveable Property, which had been adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The representative reiterated the Group's firm conviction that only through mutual support and cooperation and joint efforts on the part of the international community could success be reached in the fight against organized crime. That was the moral duty and ethical commitment accepted by States in adopting the Vienna Declaration at the Tenth Congress.

139. The Minister of Justice of Greece, speaking on behalf of the European Union and the acceding and associated countries, stated that the European Union was of the opinion, that with increasing globalization, effective crime prevention strategies to protect freedom and security could only be achieved through global coordination and efforts. The European Union fully acknowledged the role of the United Nations in that regard and, in particular, the relentless and effective work performed by the Commission and the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime. Those efforts were complemented by the activities of the European Union, such as the European Union Crime Prevention Network, which focused in particular on urban crime prevention, juvenile justice and drug-related crimes. He stated that it was believed that all European States would become parties to the Organized Crime Convention in the very near future and underlined the commitment of the European Union to ensuring the successful completion of the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption. The European Union was of the opinion that tackling the problem of trafficking in persons should involve the public and private sectors, as well as increased international cooperation. Trafficking in persons involved networks of agents, recruiters, escorts, brokers and procurers from the country of origin through other countries to the country of destination for the victims of that form of organized criminality. It also resulted in the corruption of public officials, the use of threat, physical force and coercion. He referred to the European Conference on Preventing and Combating Trafficking in Human Beings: A Global Challenge for the 21st Century, held in Brussels in September 2002, and its Brussels Declaration, which clearly emphasized that trafficked human beings

should be seen as victims of crime and not as perpetrators of immigration and labour regulation offences. The Minister outlined other comprehensive efforts undertaken by the European Union to combat trafficking in persons. He concluded by stating that the European Union commended the work that had thus far been accomplished but recognized that the Commission still had work to do in recommending more concrete measures that should be undertaken at both the international and regional levels.

140. The Minister for Magrebian and African Affairs of Algeria stated that the Commission was invested with the high responsibility of defining international policy in the field of crime prevention and criminal justice and of recommending activities and implementation measures, as well as of making an important contribution to the development and definition of general guidelines for the collective action of States to ensure the security of individuals and of nations. He referred to the close cooperation established between the United Nations Office on Drugs and Crime and Algeria, as well as with the African Union. Algeria had hosted the African Conference on the United Nations Convention against Transnational Organized Crime, held in Algiers on 29 and 30 October 2002, and had also hosted the African Union High-level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, from 11 to 14 September 2002. That meeting had been attended by, among others, a large number of high-level representatives from member States of the African Union, representing multidisciplinary sectors. It had resulted in a plan of action to prevent and combat terrorism designed as a practical operational tool that would also assist in the implementation of the Algiers Convention against Terrorism of 1999 and other important relevant international legal instruments. He informed the Commission that he had submitted the text of the Algiers Plan of Action to the Secretariat. The Plan was currently being integrated into regional and international initiatives in the spirit of Security Council resolution 1373 (2001). The Minister also referred to the African Centre for Research and Studies on Terrorism, the work of which included specific measures with regard to police, customs, border guards, the financing of terrorism, exchange of information and expertise and the development of training curricula. The Centre would require the support of all African States, as well as close cooperation and partnership with international organizations and other States. He stated that Algeria had suffered the ravages of terrorism for over a decade and was still coping with the dire consequences of terrorism for its economy and in the social and humanitarian fields. Algeria was more determined than ever to take an active part in action based on international solidarity with a view to stamping out that evil and looked forward to more intensive cooperation at the regional and international levels.

141. The representative of Egypt stressed that overcoming the challenge of international organized crime would require the constant development of legislative, judicial and law enforcement structures in States, as well as a similar development of international and regional cooperation. He supported the role of the Commission in that regard and stated that international cooperation could be enhanced through that important forum. It was important, however, to move from the stage of agreeing upon common principles and objectives to the development of implementation programmes. That required increased assistance to developing countries, in particular to the least developed countries, so that those countries could fully support international initiatives to fight transnational organized crime. Combating terrorism should be given the highest priority on the agenda of the Commission. The

plans of action for the implementation of the Vienna Declaration were important in that regard. The representative of Egypt expressed full support for the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption. It was important, at the final negotiation stage, to harness all efforts so that the final instrument would serve the interests of all States. In view of the increased number of technical cooperation activities undertaken by the Centre, increased resources should be allocated for that purpose in the proposed programme budget for the biennium 2004-2005. In conclusion, he stressed that the Eleventh United Nations Congress on Crime Prevention and Criminal Justice would provide an opportunity for the expression of international determination to confront the phenomenon of crime in all its forms.

142. The representative of the Republic of Korea referred to the global village of the twenty-first century, where crime was no longer limited to national concerns. The growing income differences between countries and limited legitimate immigration had fuelled trafficking in persons. He outlined the Government's efforts to establish a more effective criminal justice system, which included the revision of the criminal code and the enactment of new laws providing for the punishment of traffickers in persons and the protection of the victims of that trade. The Special Commission on Combating Trafficking in Human Beings had been established and the Public Prosecutor's Office was operating a task force team for the investigation of that crime. The Legal Aid Corporation provided assistance to national and foreign victims of trafficking and measures had been taken to permit illegal residents to reside temporarily in the country while seeking compensation. Awareness-raising campaigns had been activated, in cooperation with the private sector and non-governmental organizations. The representative stated that although national efforts had made considerable progress in dealing with the perpetrators and victims of trafficking, international and regional cooperation was of the utmost importance to its prevention.

143. The representative of Brazil, speaking on behalf of the Group of 77 and China, expressed support for the need to address the root causes of the problem of trafficking in persons including social disparities and the lack of economic opportunities. Efforts to combat that form of criminality should strike a balance between law enforcement operations and action to improve the social and economic conditions of persons at risk. He stated that the Trafficking in Persons Protocol provided a strong international strategy in that regard. The Ministry of Justice of Brazil had, with the assistance of the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, established a programme that would assess trends of trafficking into and out of the country, establish a databank and recommend measures to strengthen the State's capacity to respond effectively to such crime. That work would complement other national initiatives, including the National Programme for Human Rights, adopted in 1995, the "Solidarity through Sports" project, information campaigns sponsored by the Ministry of Education and the "Sentinel" project developed by the Ministry of Social Action. Those initiatives were aimed at the prevention of trafficking and provision of support to victims. The representative of Brazil also stressed the importance of urban crime prevention and the need to encourage Member States to draw upon the Guidelines for the Prevention of Crime adopted by the Economic and Social Council by its resolution 2002/13 of 24 July 2002.

144. The representative of China stated that his country had always placed great emphasis on the security of women and children and had opposed any form of violation of their rights and interests. Trafficking in women and children was a transnational problem in developing and developed countries alike. That form of criminality had also occurred in China, mainly in the impoverished rural regions of the country, where women were trafficked for reasons of arranged marriages and children for illegal adoption. Recently, the trend in trafficking had been seen to be spreading from rural areas to the cities, where trafficked children had been forced into prostitution. The solution to the problem required an integrated approach that would strengthen legal infrastructures, intensify law enforcement and promote effective economic, social and educational measures to eliminate the root causes of trafficking. The representative outlined a number of measures undertaken to tackle the problem of trafficking in women and children, including the formulation and improvement of laws and regulations to protect women and children through legislation and severely punish the traffickers. The new Criminal Law adopted in October 1997 also made it an offence to accept or purchase trafficked women and children, as well as hindering the rescue of trafficked victims. In 1991, 1993, 1995 and 2000, campaigns had been organized by law enforcement officials, which had resulted in the discovery and arrest of a large number of perpetrators and the rescue of trafficked women and children. Information campaigns to raise public awareness had been organized, as well as multiple training courses for law enforcement officials. Rehabilitation centres had been established for the victims of trafficking. The representative outlined the efforts made by his country to strengthen international judicial cooperation to combat the phenomenon.

145. The representative of the United States stated that trafficking in persons was a modern form of slavery and an expanding phenomenon of great concern. The Government of the United States had set a high priority on preventing and combating trafficking, with comprehensive legislation and a high-level inter-agency office dedicated to eradicating that crime and to fostering the international cooperation necessary to end trafficking. For its efforts to deliver technical assistance to States seeking to enhance their domestic law enforcement and criminal justice capability, he said that well-deserved praise should be extended to the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime, in particular as regards ratification and implementation of the Organized Crime Convention. The representative expressed support for the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption. He also expressed support for the efforts of the Centre to promote adherence to and implementation of the 12 universal conventions and protocols related to terrorism. The representative noted the growth of the Centre's operational activities, which had stretched its limited resources. He noted that the United Nations Office on Drugs and Crime had introduced some creative steps, such as increasing synergies between the Centre and the United Nations International Drug Control Programme and exploring creative funding mechanisms, such as private sector contributions and cost-sharing arrangements with assisted States. He urged caution in examining the long list of potential programme priorities in the plans of action to implement the objectives of the Vienna Declaration and pledged the support of the United States to continue to support the work of the Centre.

146. The representative of Venezuela stated that trafficking in persons was a continuing affront to universal human dignity and a serious violation of human

rights. He noted that despite international efforts to combat that crime, the phenomenon of trafficking was on the increase. Thus, continuing to tackle the scourge was an issue of international concern that should continue to receive high priority. The complexity of the problem, aggravated by the lack of political will of some Governments and the lack of economic prospects, had caused some countries to be fertile grounds for trafficking, goaded by the demand in receiving countries where a market existed for labour and sexual commercial activities. It was necessary to create more efficient judicial instruments to fight the scourge and to provide rehabilitation for victims. The representative outlined national efforts undertaken to adapt national legislation to international instruments for the protection and prevention of sexual abuse and exploitation of children and adolescents, as well as agreements entered into with international agencies and intergovernmental and non-governmental organizations in that regard. The representative congratulated the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime on its efforts towards the rapid entry into force of the Organized Crime Convention. He expressed appreciation to the donor countries that had made it possible, through the holding of seminars for technical training and the provision of legislative assistance to many countries. The representative noted the increase in urban crime in many countries, requiring the formulation of preventive policies that should be based on the identification of factors and analysis of the causes and trends that had led to the growth in the phenomenon. In that connection, he called for the intensification of joint work to be carried out between the Centre for International Crime Prevention, the United Nations Development Programme, the United Nations Office for Project Services, the World Bank and other international bodies that provided financial resources to international activities. He stressed the need for the development of preventive measures to contribute to ensuring a safe environment and the development of strategies based on the exchange of information on best practices. He also suggested that cooperation with the media should be developed to discourage the broadcasting of violent programmes in favour of those which developed values of good citizenship.

147. The representative of Croatia underlined the value of the Organized Crime Convention and its Protocols for successful inter-State cooperation. On the issue of trafficking in persons, the representative noted the importance of strong national mechanisms, as well as the important role played by international organizations in tackling the phenomenon. He emphasized the important role of donor countries in their provision of aid and the need to involve non-governmental organizations at the national and international levels in the fight against trafficking in persons. The Commission, he stated, brought together States and was an expression of commitment to undertake international action to prevent such criminality

148. The representative of the Sudan outlined national efforts to enact laws, such as the Anti-Terrorism Law and others designed to combat money-laundering, the movement of foreign currencies, corruption and bribery. National legislation gave priority to preventive measures and to promoting virtuous behaviour and family values. He stated that crime in Africa, and in the Sudan in particular, was largely conventional in nature and was related to economic and social circumstances. Certain non-governmental organizations had misunderstood African culture and had identified certain tribal practices as trafficking in persons. The Sudan had been plagued by tribal and civil wars for over half a century and the kidnapping of women and children, as well as civil strife over water and pasture rights, continued

to occur. A Committee for the Eradication of the Kidnapping of Women and Children had been established in 1999 and worked with the international community as partners. The Sudan continued to receive assistance from donor countries, the United Nations Children's Fund, the European Union and non-governmental organizations and had established centres for peace-building. The representative called upon the international community to seek out the root causes of crime and to take into account the economic differences between countries, to seek to end the state of poverty and to strive to end the wars that continued to afflict the African continent.

B. Attendance

149. The twelfth session was attended by representatives of 35 States members of the Commission. Also attending were observers for 75 other States Members of the United Nations, 1 non-member State, representatives of organizations of the United Nations system and observers for the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, 14 intergovernmental organizations and 39 non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Election of officers

150. At its 1st meeting, on 13 May, the Commission elected the following officers by acclamation:

Chairman: Peter Poptchev (Bulgaria)

Vice-Chairmen: Mariano Alberto Ciafardini (Argentina)
Thomas Stelzer (Austria)
T. P. Sreenivasan (India)

Rapporteur: Kamal Bashir Khair (Sudan)

151. The elected officers constituted the bureau of the Commission, which met several times during the session to consider matters relating to the organization of work and to strategic management.

D. Adoption of the agenda and organization of work

152. At its 1st meeting, on 13 May, the Commission adopted by consensus its provisional agenda (E/CN.15/2003/1 and Corr.1), which had been agreed on by the Commission at its eleventh session and approved by the Economic and Social Council in its decision 2002/238 of 24 July 2002. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Thematic discussion on trafficking in human beings, especially women and children.
4. Work of the Centre for International Crime Prevention.

5. International cooperation in combating transnational crime.

6. Strengthening international cooperation and technical assistance in preventing and combating terrorism.

7. Use and application of United Nations standards and norms in crime prevention and criminal justice.

8. Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

9. Strategic management and programme questions.

10. Provisional agenda for the thirteenth session of the Commission.

11. Adoption of the report of the Commission on its twelfth session.

E. Documentation

153. The documents before the Commission at its twelfth session are listed in annex II to the present report.

Annex I

Attendance

Members*

Algeria	Taous Feroukhi, Nabil Hattali, Linda Briza, Ahmed Hamed Abdelwahab, Abdallah Rahmouni
Argentina	Mariano Alberto Ciafardini, Betina Pasquali de Fonseca, Sebastián Sayu
Austria	Thomas Stelzer, Helga Konrad, Johann Fröhlich, Wolfgang Spadinger, Michael Postl, Raimund Magis, Roland Miklau, Carmen Prior, Peter Martschini, Hans J. Almoslechner, Amelie Leitner
Brazil	Roberto Abdenur, Enio Cordeiro, Maria da Graca Fredenhagem de Oliveira Nascimento, Patricia Maria Oliveira Lima, Renato de Alencar Lima, Marina Pereira Pires de Oliveira, Simone Pedra Reis
Bulgaria	Peter Poptchev, Dimitri Pampoulov, Katia Georgieva
China	Yan Zhang, Dong Wang, Xiaofeng Guo, Xiangfeng Li
Colombia	Rosso José Serrano Cadena, Ciro Arévalo Yepes, Edgar Lombana Trujillo, Rafael Castillo Pacheco, Maira Zenery Alfonso Cuellar, Carlos Rodriguez Bocanegra, Nohra María Quintero, Diana Mejía Molina
Costa Rica	Ronald Woodbridge Gonzalez, Stella Aviram Neuman
Croatia	Vladimir Matek, Željko Horvatić, Zdravko Stojanović, Darko Goettlicher, Dalibor Zidanić, Branko Turić, Duška Paravić, Vesna Vuković, Ivana Werft, Mato Blažanović, Sandra Veber
El Salvador	Mario Castro Grande
Ethiopia	Taye Mengistu
France	Patrick Villemur, Michèle Ramis, Jean-Michel Colombani, Bernard Frery, Julien Deruffe, Olivia Diego
Gambia	Baboucarr Sowe
Germany	Herbert Honsowitz, Detlev Boenke, Birgit Schweikert, Michael Ott, Nicole Zündorf-Hinte, Petra Arnhold, Joachim Ziegler, Matthias Schuster
India	T. P. Sreenivasan, Hamid Ali Rao, Sharda Prasad, Hemant Karkare, Nita Kapoor

* The Central African Republic, Chad, the Democratic Republic of the Congo, Mauritania and Zambia were not represented at the session.

Indonesia	Samodra Sriwidjaja, Bambang Prayitno, Perwitorini Wijono, Gories Mere, Aryanto Sutadi, Rachmat Wibono, Haris Nugroho, Odo Rene Mathew Manuhutu
Iran (Islamic Republic of)	Mehdi Danesh-Yazdi, Pirooz Hosseini, Ali Hajigholam Saryazdi, Mahmoud Khani Jooyabad, Hossein Sadat Meydani
Italy	Claudio Moreno, Gioacchino Polimeni, Alfonso Papa, Roberta Barberini, Roberto Bellelli, Nicola Maiorano, Giovanni Liguori, Francesco Giuseppe Troja
Japan	Yuki Furuta, Yukio Takasu, Kunihiko Sakai, Kiyokazu Ota, Keisuke Senta, Hirokazu Urata, Taro Higashiyama, Isao Shimamura, Yukiko Yamada, Jiro Usui
Mexico	Patricia Espinosa Cantellano, José Luis Santiago Vasconcelos, Pedro José Peñaloza, Luis Javier Campuzano, Julián Juárez Cadenas, Elizardo Rannauro Melgarejo
Netherlands	Jaap Ramaker, Hans Abma, Marjo Crompvoets, Emma Kay, Anke ter Hoeve
Nicaragua	Alberto Altamirano Lacayo
Pakistan	Ali Sarwar Naqui, Mohammad Kamran Akhtar
Peru	Luis Solari Tudela, Javier Paulinich, Hugo Portugal, Manuel Alvarez
Poland	Piotr Mochnaczewski, Mariusz Skowronski, Anna Grupinska, Agnieszka Dabrowiecka, Beata Ziorkiewicz, Miroslaw Nowacki, Aleksandra Potepa, Dariusz Karnowski, Paulina Wylcan
Portugal	Carlos Neves Ferreira, Liliana Araújo, Teresa Alves Martins, Mário Gomes Dias, Euclides Damaso, José Maria Moreira da Silva, Maria do Carmo Costa
Republic of Korea	Young-Ju Koh, Chung-ha Suh, Kyung-Pil Kang, Jeong-Hun Kwon, Beom-Youn Won, Joon-Oh Jang, Yeon-Jean Yoon, Seong-Jun Cho
Russian Federation	Anatoliy E. Safonov, Ilya I. Rogachev, Sergey P. Bulavin, Nikita A. Safonov, Irina V. Silkina, Sergey V. Vasiliev, Nikolay Y. Shokov, Mikhail A. Lomakin, Valery A. Grobovoy, Victor V. Milchenko, Alexander G. Sinelnikov, Pavel S. Yatskovsky, Galina N. Turbanova, Evgeny V. Snytkin, Mikhail I. Kalinin, Vera G. Gracheva, Dmitry R. Okhotnikov, Alexander A. Borisov, Sergey V. Zemskiy
Saudi Arabia	Omar Mohamed Kurdi, Abdelrahim Mashny Al-Ghamedi, Abdallah Abdelrahman Al-Yousef, Saleh Bin Abdallah Al-Ghamedi, Mohamed Bin Naser Al-Aoula, Adbelrahman Bin Mohamed Al-Jarallah, Mohammad Abdulaziz Almehizea, Saud Al-Mutlaq

Sudan	Yousif Saeed Mohamed, Ismail Abushouk, Ahmed Hassan Ahmed, Mohamed Farid Hassan, Kamal Bashir Khair
Togo	Suzanne Aho
Uganda	Joseph Etima, Johnson Byabashaija
United States of America	Elizabeth Verville, Kathleen Barmon, Thomas Burrows, Jay Albanese, Haley D. Collums, Barbara Esser, David Fisher, Scott Harris, Marsha Liss, Catherine Newcombe
Uzbekistan	Aziz Aliev
Zimbabwe	Tirivafi John Kangai, Vova Abednigo Chikanda, Barbra Chimhandamba

States Members of the United Nations represented by observers

Afghanistan, Albania, Angola, Antigua and Barbuda, Australia, Azerbaijan, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Burkina Faso, Cameroon, Canada, Chile, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, Greece, Guatemala, Guinea, Hungary, Iceland, Ireland, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Monaco, Morocco, Namibia, New Zealand, Nigeria, Norway, Oman, Panama, Paraguay, Philippines, Romania, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yemen

Non-member States represented by observers

Holy See

Entities represented by observers

Palestine

United Nations Secretariat

Office of Legal Affairs, Department of Peacekeeping Operations, Division for the Advancement of Women, Office of the United Nations High Commissioner for Human Rights, United Nations Office on Drugs and Crime

United Nations programmes and research institutes

Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, International Institute of Higher Studies in Criminal Sciences, International Centre for the Prevention of Crime, International Scientific and Professional Advisory Council

Specialized agencies and other organizations in the United Nations system

International Labour Office, United Nations Educational, Scientific and Cultural Organization, International Monetary Fund, International Maritime Organization

Intergovernmental organizations represented by observers

Asian-African Legal Consultative Organization, Asia-Pacific Economic Cooperation, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, European Commission, European Police Office, International Centre for Migration Policy Development, International Organization for Migration, Inter-Parliamentary Union, League of Arab States, Organization for Security and Cooperation in Europe, Organization of the Islamic Conference, Regional Centre for Combating Transborder Crime of the South-East European Cooperative Initiative, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, Caritas Internationalis (International Confederation of Catholic Charities), Friends World Committee for Consultation, International Abolitionist Federation, International Alliance of Women, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, World Association of Girl Guides and Girl Scouts, World Muslim Congress, Zonta International

Special consultative status: Academy of Criminal Justice Sciences, American Society of Criminology, Amnesty International, Arab Lawyers Union, Arab Organization for Human Rights, Association for the Prevention of Torture, Centro Nazionale di Prevenzione e Difesa Sociale, Comité d'Action pur les Droits de l'Enfant et de la Femme, Defence for Children International, Howard League for Penal Reform, International Association of Prosecutors, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Catholic Prison Pastoral Care, International Council of Psychologists, International Council on Alcohol and Addictions, International Federation of University Women, International Federation Terre des Hommes, International League for Human Rights, International Real Estate Federation, International Society for Criminology, International Society of Social Defense, Japan Federation of Bar Associations, Marangopoulos Foundation

for Human Rights, Mediterranean Women's Studies Centre, National Association of Criminal Defense Lawyers, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Group of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Penal Reform International, World Society of Victimology

***Roster*: International Police Association**

Annex II

List of documents before the Commission at its twelfth session

Document number	*Agenda item*	*Title or description*
A/57/152 and Corr.1 and A/57/152/Add.1 and Corr.1 and 2 and A/57/152/Add.2	6	Report of the Secretary-General on strengthening the Terrorism Prevention Branch of the Secretariat
A/57/158 and Add.1 and 2	5	Report of the Secretary-General on prevention of corrupt practices and transfer of funds of illicit origin
A/AC.261/13	5	Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its fourth session, held in Vienna from 13 to 24 January 2003
E/CN.15/2003/1 and Corr.1	2	Provisional agenda and annotations
E/CN.15/2003/2	4	Report of the Executive Director on the work of the Centre for International Crime Prevention
E/CN.15/2003/3	3	Note by the Secretary-General on trafficking in human beings, especially women and children
E/CN.15/2003/4	4	Report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network
E/CN.15/2003/5	5	Report of the Secretary-General on ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
E/CN.15/2003/6	5	Report of the Secretary-General on the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption
E/CN.15/2003/7 and Add.1	5	Report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

Document number	*Agenda item*	*Title or description*
E/CN.15/2003/8 and Add.1 and Corr.1	5	Report of the Secretary-General on illicit trafficking in protected species of wild flora and fauna and illicit access to genetic resources
E/CN.15/2003/9	6	Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism
E/CN.15/2003/10 and Add.1 and 2	7	Report of the Secretary-General on standards and norms in crime prevention and criminal justice
E/CN.15/2003/11 and Corr.1 and Add.1 and 2	8	Report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice
E/CN.15/2003/12	9	Note by the Secretariat on the proposed programme of work in crime prevention and criminal justice for the biennium 2004-2005
E/CN.15/2003/13	9	Note by the Secretary-General on the nomination of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute
E/CN.15/2003/L.1 and Add.1-9	11	Draft report
E/CN.15/2003/L.2/Rev.2	4	Work of the Centre for International Crime Prevention, including the management of the United Nations Crime Prevention and Criminal Justice Fund: revised draft resolution
E/CN.15/2003/L.3/Rev.1	9	Functioning of the Commission on Crime Prevention and Criminal Justice: revised draft resolution
E/CN.15/2003/L.4	6	Note verbale dated 25 March 2003 from the Council of Arab Ministers of the Interior to the Commission on Crime Prevention and Criminal Justice
E/CN.15/2003/L.5	3	Strengthening international cooperation in combating trafficking in persons: draft resolution
E/CN.15/2003/L.6/Rev.1	5	Prevention of urban crime: revised draft resolution

Document number	*Agenda item*	*Title or description*
E/CN.15/2003/L.7	5	Measures to promote the effective prevention of urban crime: draft resolution
E/CN.15/2003/L.8/Rev.1	8	Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice: revised draft resolution
E/CN.15/2003/L.9/Rev.1	6	Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the Centre for International Crime Prevention: revised draft resolution
E/CN.15/2003/L.10	3	Promoting and strengthening assistance to victims of trafficking, especially women and children: draft resolution
E/CN.15/2003/L.11/Rev.1	5	Trafficking in protected species of wild flora and fauna: revised draft resolution
E/CN.15/2003/L.12	7	Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property: draft resolution
E/CN.15/2003/L.13/Rev.1	5	International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims: revised draft resolution
E/CN.15/2003/L.14/Rev.1	3	Strengthening international cooperation in preventing and combating trafficking in persons and protecting victims of such trafficking: revised draft resolution
E/CN.15/2003/L.15	5	International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
E/CN.15/2003/L.16	6	International cooperation, technical assistance and advisory services in crime prevention and criminal justice: draft resolution
E/CN.15/2003/L.17/Rev.1	7	United Nations standards and norms in crime prevention and criminal justice: revised draft resolution

Document number	*Agenda item*	*Title or description*
E/CN.15/2003/CRP.1	3	Report of the Expert Group Meeting on Trafficking in Women and Girls, organized by the United Nations Division for the Advancement of Women/Department of Economic and Social Affairs in collaboration with the Centre for International Crime Prevention/United Nations Office on Drugs and Crime, held in Glen Cove, New York from 18 to 22 November 2002
E/CN.15/2003/CRP.2	3	Report of the International Policy Dialogue "Tackling cross-border crime: challenges of international development cooperation", convened by the Development Policy Forum of InWEnt-Internationale Weiterbildung und Entwicklung GmbH (Capacity-Building International), Germany, in cooperation with the Federal Ministry of Economic Cooperation and Development and the Centre for International Crime Prevention/ United Nations Office on Drugs and Crime, held in Bonn on 16 and 17 December 2002
E/CN.15/2003/CRP.3	3	Report on the Joint ECOWAS/UNODC Regional Meeting of Experts on Trafficking in Human Beings, held in Lomé on 2 and 3 December 2002; ECOWAS Declaration on the Fight against Trafficking in Persons; and ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003)
E/CN.15/2003/CRP.4	5 and 7	Tokyo Declaration adopted by the Ninth Asia Crime Prevention Foundation World Conference on Crime Prevention and Criminal Justice, held in Tokyo from 2 to 4 October 2002
E/CN.15/2003/CRP.5	6	United Nations legislative guide to the universal anti-terrorism conventions and protocols
E/CN.15/2003/CRP.6	3	Coalition against trafficking in human beings in the Philippines
E/CN.15/2003/CRP.7	4	Supplementary information on the United Nations Crime Prevention and Criminal Justice Fund

Document number	*Agenda item*	*Title or description*
E/CN.15/2003/CRP.8	3	Workshop on Trafficking in Women and Children in East Africa held at the UNAFRI Secretariat, Naguru, Kampala
E/CN.15/2003/CRP.9	7	For human dignity—towards the Charter of Fundamental Rights of Prisoners
E/CN.15/2003/CRP.10	3	Pathbreaking strategies in the global fight against sex trafficking, conference recommendations, Washington, D.C., 23-26 February 2003
E/CN.15/2003/CRP.11	5 and 6	Revised manual on the Model Treaty on Extradition
E/CN.15/2003/CRP.12	5 and 6	Draft revised manual on the Model Treaty on Mutual Assistance in Criminal Matters
E/CN.15/2003/NGO/1	3	Statement submitted by a group of non-governmental organizations on agenda item 3
E/CN.15/2003/NGO/2	3	Statement submitted by the Afro-Asian Peoples' Solidarity Organization
E/CN.15/2003/NGO/3	3	Statement submitted by Soroptimist International on agenda item 3
E/CN.15/2003/NGO/4	7	Statement submitted by Soroptimist International on agenda item 7
SYMP/TERR/3/Rev.1	6	Report of the Executive Director on the proceedings of the Symposium "Combating International Terrorism: The Contribution of the United Nations", held in Vienna on 3 and 4 June 2002

Annex III

Financial statement on the revised draft resolution on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice*

1. In operative paragraphs 6, 13 and 15 of the revised draft resolution, the General Assembly would reiterate its request to the Secretary-General to prepare, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, a discussion guide for the regional preparatory meetings for the Eleventh Congress; also reiterate its request to the Secretary-General to make available the necessary resources for the participation of the least developed countries in the regional preparatory meetings for the Eleventh Congress and at the Congress itself, in accordance with past practice; and request the Secretary-General to provide resources, as required, in accordance with established United Nations budgetary practice and within the overall appropriations of the programme budget for the biennium 2004-2005, in order to ensure a wide and effective programme of public information relating to the preparations for the Eleventh Congress, to the Congress itself and to the follow-up to and implementation of its recommendations.

2. During the biennium 2002-2003, a discussion guide for the regional preparatory meetings will be prepared. This activity will be conducted within the resources available within section 14, Crime prevention and criminal justice, of the programme budget for the biennium 2002-2003.

3. For the biennium 2004-2005, the Secretary-General has proposed resources under section 16, Crime prevention and criminal justice, for the participation of the least developed countries in the regional preparatory meetings for the Eleventh Congress and at the Congress itself, in accordance with past practice, and, under section 28, Public information, for public information relating to the Eleventh Congress.

4. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2003/L.8/Rev.1, see chapter I, section A, draft resolution IV. For the discussion, see chapter VII.

Annex IV

Financial statement on the draft resolution on international cooperation, technical assistance and advisory services in crime prevention and criminal justice*

1. In operative paragraph 10 of the draft resolution, the Economic and Social Council would request the Secretary-General to enhance further the resources available within the existing overall budgetary framework of the United Nations for the operational activities and, in particular, the interregional advisory services of the Centre for International Crime Prevention under section 23, Regular programme of technical cooperation, of the regular budget of the United Nations for the biennium 2004-2005.

2. In this connection, it will be recalled that, at its fifty-sixth session, the General Assembly approved an allotment of $923,100 for the biennium 2002-2003 under section 21, Regular programme of technical cooperation, for technical cooperation activities related to crime prevention and criminal justice. Further, it should be noted that the Secretary-General has included an amount of $981,600 under the same section of the proposed programme budget for the biennium 2004-2005 (A/58/6 (Sect. 23). This proposal will be considered by the Assembly at its fifty-eighth session.

3. The attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

* For the text of the draft resolution, which originally appeared under the symbol E/CN.15/2003/L.16, see chapter I, section B, draft resolution II. For the discussion, see chapter V.

03-42277 (E) 110703